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Special Session

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Veto Session

1-36	Day 01 - 09/11/13
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JOURNAL OF THE SENATE
NINETY-SEVENTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY—WEDNESDAY, JANUARY 9, 2013

The Senate was called to order at 12:00 noon by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

“I will walk with integrity of heart within my house;...” (Psalm 101)

Gracious God, we begin a new session and accept the privilege of participation as we share the responsibility “to walk with integrity, to initiate needed legislation, to invest ourselves in the work before us and support one another, in this body”. So we pray that You might guide and assist us as we begin the task given to us to complete and to be energized by our shared desire to be faithful to our mission of service to the people of Missouri. In Your Holy Name we pray. Amen.

Neosho High School Air Force Junior ROTC Cadets presented the Colors.

The Pledge of Allegiance to the Flag was recited.

The “Star-Spangled Banner” was performed by members of Royal Impressions, Duchesne High School.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate Rules of the 2nd Regular Session of the Ninety-sixth General Assembly until temporary or permanent rules are adopted.

Senator Richard announced that photographers from KOMU-TV, Gasconade County Republican, Associated Press, Slater Main Street News, News 20/Gateway Television Network, St. Louis, Jefferson City News Tribune, Missouri News Horizon, the Senate and family members had been given permission to take flash pictures and to video in the Senate Chamber and gallery.

Senator Richard submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem	Tom Dempsey
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Bill Smith

Senator Richard requested unanimous consent of the Senate that the above named officers stand as temporary officers until permanent officers are elected, which request was granted.

MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 97th General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 97th General Assembly (First Regular Session) of the State of Missouri, elected at the November 2, 2010 General Election, and the November 6, 2012 General Election.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 8th day of January, 2013.

/s/ Robin Carnahan

(Seal)

SECRETARY OF STATE

MISSOURI STATE SENATORS

Elected November 2, 2010

District	Name
2nd	Scott T. Rupp
4th	Joseph P. Keaveny
6th	Mike Kehoe
8th	Will Kraus
10th	Jolie L. Justus
12th	Brad Lager
14th	Maria Chappelle-Nadal
16th	Dan W. Brown
18th	Brian Munzlinger
20th	Jay Wasson
22nd	Ryan G. McKenna
24th	John T. Lamping
26th	Brian Nieves
28th	Michael L. Parson
30th	Bob Dixon
32nd	Ronald F. (Ron) Richard
34th	Rob Schaaf

MISSOURI STATE SENATORS**Elected November 6, 2012**

District	Name
1st	Scott Sifton
3rd	Gary Romine
5th	Jamilah Nasheed
7th	Jason Holsman
9th	Shalonn (Kiki) Curls
11th	Paul LeVota
13th	Gina Walsh
15th	Eric Schmitt
17th	Ryan Silvey
19th	Kurt Schaefer
21st	David Pearce
23rd	Tom Dempsey
25th	Doug Libla
27th	Wayne Wallingford
29th	David Sater
31st	Ed Emery
33rd	Mike Cunningham

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Judge Jack A.L. Goodman, 39th Circuit Court.

On roll call the following Senators were present:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

The Lieutenant Governor was present.

The President declared the First Regular Session of the 97th General Assembly convened.

RESOLUTIONS

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Ninety-seventh General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the Ninety-sixth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-seventh General Assembly, First Regular Session, until permanent rules are adopted.

Senator Richard moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Richard nominated Senator Tom Dempsey for President Pro Tem. Senator Dempsey's nomination was seconded by Senator Justus.

No further nominations being made, Senator Dempsey was elected President Pro Tem by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

Senator Dempsey assumed the dais and subscribed to the oath of office of President Pro Tem, administered by the Honorable Judge Jack A.L. Goodman, 39th Circuit Court.

President Pro Tem Dempsey assumed the dais and delivered the following address:

Opening Address

Senator Tom Dempsey, President Pro Tem

First Regular Session, 97th General Assembly

January 9, 2013

Lt. Governor Kinder, members of the Missouri Senate, our families, friends, and fellow Missourians:

It is a privilege for me to address you today and I am honored by the trust you have placed in me by electing me to be the Pro Tem of the Missouri Senate. I am humbled to be entrusted by you with this position.

Before I begin, I want to recognize a few very important people. First, of course, is my wife Molly. As a wife and mother, you have made so many sacrifices to support our family during the past 15 years of my public service. I love you! Please stand and be recognized.

My oldest daughter Meaghan is currently in South Africa on a service project, but I am pleased to have my children, Abby and Jack, here with me today. Jack was 1, when I was first sworn into the Legislature. My mother Peggy is unable to be with us today, but my father, Ernest, and Molly's parents, Pat and Ned Talbott, are present. I would ask all of you to please stand and be recognized.

Missouri is a remarkable state and for so many families throughout our nearly 200 years of history, it has truly been the land of opportunity. In my own family, this has certainly been the case.

I am proud to have come from a line of hard-working family members who immigrated to this country in the hope of starting fresh and building a new and better life. My great-grandparents came to the New World from Italy - bringing little with them except a desire to succeed and dreams of a brighter future.

In 1954, after moving from Illinois to Missouri due to a job transfer, my grandfather, Pio Pedrucci, opened a restaurant, the Continental Café, in half of a first floor building in St. Charles. It was such a success that grandpa eventually quit his other job. In 1958, he purchased the entire building, expanded, and renamed the restaurant, Pio's Restaurant and Cocktail Lounge.

Using the knowledge of Italian cooking passed on to him by his mother, my grandmother Mary, and recipes of his own developed through countless hours of practice spent in the kitchen, grandpa made a living for his family.

Pio and Mary had two daughters. The younger, my mother Peggy, married my father in 1966 and he joined as partner in the business in 1970. And that's how an Irishman gets into the Italian restaurant business.

After semi-retiring in 1975, grandpa still came in almost every day to tinker around and make sure things were prepared to his high standards.

I said earlier that grandpa made a living for his family at the restaurant, but that is only half of the story. The truth is that grandpa made not just a living but a life for his family there in that restaurant. I guess you could say, "He built that."

This special place we call Missouri provided a setting where personal responsibility, a tireless work ethic, a useful skill, and that precious element called opportunity combined to give our family the dignity of being able to provide for ourselves and to give something back to our community.

I am proud of my family heritage and owe more than you can imagine to the lessons learned working around my grandfather and father in the kitchen, washing dishes, making pizzas, stocking shelves, and performing a thousand other tasks that I can tell you I didn't always appreciate at the time.

I believe other Missouri families are not so different from my own. They desire to succeed, to use their talents to provide for themselves and for their children. They want to do more than eke out a living – they want to make a life.

The Roman poet Virgil once said, "Fortune sides with him who dares." In this 21st Century, Missouri is poised for greatness and good fortune. If we dare to dream, to lead, to act, and to build on our remarkable uniqueness and strengths, we will move our great state forward.

Missouri is blessed with tremendous resources, a strategic location, and a population full of ability and desire to succeed.

During the 2013 Legislative session, we must focus on solutions that will promote greater economic vitality, spur employment, and grow personal incomes. Our job, our vision, our challenge, is to create B.I.G. solutions – the acronym (B-I-G) to Build our infrastructure; to Invest in education and to Grow our economy.

Geographically, Missouri is surrounded by eight neighboring states. We must realize that we are competing with our neighbors to keep, foster, and attract businesses and entrepreneurs right here in the Show-Me State. In order to grow our economy, it will be necessary to enact meaningful reforms in economic development, tax policy, and legal climate.

After four years of hard work and with little to show for it, it's time to pass a far-reaching economic development bill this year. Responsible economic development tools that respond to today's marketplace are needed. Current incentives need to be reviewed and designed to maximize their return for the state in terms of jobs, and to prevent exploitation, like the failure of Mamtek in Moberly.

We award hundreds of millions of dollars in tax credits to select groups, annually. While other areas of the budget have been pared over the past several years, these numerous programs have remained largely untouched. So, while we need new tools, we need to reduce our allocation of tax credits, as well. Let's demand that government be smaller and that we be smarter in these efforts.

Failure to do so jeopardizes our commitment to K-12 education, a first-rate higher education system, and infrastructure that prepares our state for greater economic growth.

In an age of modern technology and mobility, where companies and individuals can easily cross state boundaries, we must have a tax code

that encourages investment right here at home if we are to grow.

We must work to remove barriers in order to give business owners the tools they need to succeed and make Missouri hospitable for those who wish to take the risk and start a business.

That is why one of our top priorities this year is lowering the income tax burden on hard-working Missourians.

Missouri loses around \$400 million each year from sales that take place online. These taxes are collected by our “brick and mortar” businesses but not by businesses that operate over the Internet.

The time has come for Congress to pass the Marketplace Fairness Act and provide a uniform, national policy that will allow states to collect sales and use taxes on items sold to purchasers within their borders by out-of-state sellers. The removal of this exemption and others narrow in scope, will allow us to pursue broad-based tax relief.

While cutting income taxes is an important step, our legal climate also needs to be fair and structured to attract, rather than discourage investment in our state. So, another area that needs our immediate attention is the worker’s compensation system.

Last year, we made important reforms and helped make the system fairer but more needs to be accomplished. The worker’s compensation system, which was created in cooperation with business and labor interests, should return to being the sole remedy for workplace injuries.

In addition, Missouri’s Second Injury Fund is woefully underfunded. Many employees who were injured on the job, and are dependent on this system to help them meet their daily needs, have found that, even with a valid, legal judgment, the funds do not exist to pay their claims. Missouri workers deserve to know that if they are injured on the job, the resources will be in place to help provide for them. By working together, we can address these problems. I appreciate that the Senator from the 2nd, has filed this legislation as SB 1, so we can move on this quickly.

Over the last decade, we have demonstrated, year after year, in good times and in bad, that education is our #1 priority. More than ever, to prepare for today’s competitive job market and to meet employer needs for a skilled workforce, we must renew our commitment to invest in K-12 and higher education.

Tax credit reform and continued emphasis on operating more efficiently throughout state government will help us meet this objective. I appreciate the Governor’s willingness to stand with us in these endeavors. And to ensure that tax dollars are being spent wisely and equitably, we will consider the creation of a performance-based comprehensive funding formula for our state’s higher education institutions.

I support moving forward on new capital investment for research, classrooms, and vocational technology using existing state revenue, but we must first identify the savings that will provide a dedicated revenue stream for this effort and also, prioritize projects through careful analysis.

When it comes to economic growth, there is no silver bullet. The changes I have outlined thus far are part of a greater effort.

As the Gateway to the West, Missouri enjoyed a global status as a trade and cultural center in the 20th Century. We have seen a decline since then. If we are to reverse this trend, we must build and maintain our vital infrastructure.

Missouri has the seventh largest road system in the nation, larger than any of our neighboring states. A modern, well-maintained highway system is critical to our economic growth.

The worthy, federal goal of greater fuel economy, the continued development of alternative fuel vehicles, and changing driving habits are all driving down consumption and negatively impacting our ability to maintain the backbone of our economy.

Over the past decade the Missouri Department of Transportation has improved to the point that I can finally say, it’s time to develop a comprehensive, long-term plan that provides for Missouri’s transportation needs and enlist the public’s support for a new transportation funding package.

Our geographic location uniquely positions Missouri to be a hub for the movement of goods and services. We need to build and maintain our infrastructure to capitalize on this potential.

As we prepare for new investment in our transportation system and the possibility of greater funding for higher education facility improvements, it is important that we remain good stewards of public money.

This is why we need to change Missouri’s prevailing wage law. There are different costs of living, throughout the state and our policies should reflect those differences. It’s important to fix the problems which result in an artificially inflated price for taxpayer funded, construction projects.

Our task during the next 28 weeks in Jefferson City will be to focus on B.I.G. ideas for Missouri – innovative ideas and solutions that build

our infrastructure; invest in our educational system and grow our state's economy - ultimately setting us apart and placing us on a path of large-scale investment and job growth across all sectors of our economy.

Today, most people refer to the restaurant, simply as "Pio's". Though my grandfather has passed way, his great grandchildren work there. Many things have changed since 1954, but what was true then, is true today.

If we capitalize on our strengths, if we work hard, together, and take this opportunity that we have been given as Senators, we can move forward to bring about a brighter, better, more prosperous future for the citizens of Missouri.

Thank you!

President Kinder assumed the Chair.

Senator Dempsey nominated Terry L. Spieler for Secretary of Senate.

No further nominations being made, Ms. Spieler was elected by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

Senator Dempsey nominated Bill Smith for Sergeant-at-Arms.

No other nominations being made, Mr. Smith was elected by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

Terry L. Spieler and Bill Smith advanced to the bar and subscribed to the oath of office, which was

administered by the Honorable Judge Jack A.L. Goodman, 39th Circuit Court.

RESOLUTIONS

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-seventh General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem	Tom Dempsey
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Bill Smith

CONCURRENT RESOLUTIONS

Senator Dempsey offered the following concurrent resolution, which was read:

SENATE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 14, 2013; and

BE IT FURTHER RESOLVED that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

Senator Dempsey requested unanimous consent of the Senate to suspend the rules for the purpose of taking up **SCR 1** for adoption, which request was granted.

On motion of Senator Dempsey, **SCR 1** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

On motion of Senator Richard, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

FIRST READING OF PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1—By Rupp.

An Act to repeal sections 287.210, 287.220, 287.690, and 287.715, RSMo, and to enact in lieu thereof five new sections relating to workers' compensation, with an emergency clause for certain sections.

SB 2—By Rupp.

An Act to repeal section 116.332, RSMo, and to enact in lieu thereof one new section relating to the initiative and referendum process.

SB 3—By Rupp.

An Act to amend chapter 173, RSMo, by adding thereto four new sections relating to the early high school graduation scholarship program.

SB 4—By Lager.

An Act to repeal section 105.450, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts by members of the general assembly.

SB 5—By Lager.

An Act to repeal sections 32.115, 100.286, 100.297, 135.090, 135.155, 135.313, 135.327, 135.350, 135.352, 135.460, 135.484, 135.562, 135.600, 135.630, 135.647, 135.679, 135.700, 143.071, 208.770, 253.550, 253.557, 253.559, 348.430, 348.432, 348.436, 348.505, 447.708, 620.495, and 660.055, RSMo, and to enact in lieu thereof twenty-eight new sections relating to taxation, with an emergency clause for certain sections.

SB 6—By Lager.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to broadband.

SB 7—By Pearce.

An Act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two new sections relating to school accreditation, with an emergency clause.

SB 8—By Pearce.

An Act to repeal sections 172.800, 172.805, 173.239, 173.240, 173.612, 174.020, 174.042, 174.323, and 176.010, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

SB 9—By Pearce.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to University of

Missouri extension districts.

SB 10—By Schmitt and Richard.

An Act to amend chapter 67, RSMo, by adding thereto two new sections relating to incentives to attract amateur sporting events to Missouri.

SB 11—By Schmitt.

An Act to repeal section 143.071, RSMo, and to enact in lieu thereof two new sections relating to the taxation of business income.

SB 12—By Schaefer.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil liability immunity for court appointed attorneys, with an emergency clause.

SB 13—By Schaefer.

An Act to repeal sections 260.300, 260.302, 260.305, 260.310, 260.315, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof two new sections relating to solid waste management.

SB 14—By Schaaf.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to Medicaid eligibility.

SB 15—By Richard.

An Act to repeal sections 135.090, 135.327, 135.562, 135.630, and 135.647, RSMo, and to enact in lieu thereof five new sections relating to certain benevolent tax credits, with an emergency clause.

SB 16—By Munzlinger.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to children performing agriculture work.

SB 17—By Munzlinger and Romine.

An Act to repeal sections 178.540, 178.550, 178.560, and 178.585, RSMo, and to enact in lieu thereof four new sections relating to career and technical education.

SB 18—By Munzlinger.

An Act to repeal sections 33.300 and 37.850, RSMo, and to enact in lieu thereof three new sections relating to the transparency and accountability of public funds, with an emergency clause.

SB 19—By Wasson.

An Act to repeal sections 135.535 and 135.562, RSMo, and to enact in lieu thereof two new sections relating to tax credits for renovations for disability access.

SB 20—By Dixon.

An Act to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof seven new sections relating to certain benevolent tax credits, with an emergency clause.

SB 21—By Dixon.

An Act to repeal sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, and to enact in lieu thereof twenty-three new sections relating to the transfer of judicial positions by the supreme court.

SB 22—By Dixon.

An Act to repeal sections 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, and 487.010, RSMo, and to enact in lieu thereof two new sections relating to the alteration of judicial boundaries by the supreme court, with an effective date for certain sections.

SB 23—By Parson.

An Act to repeal section 67.1010, RSMo, and to enact in lieu thereof one new section relating to the Pettis county transient guest tax.

SB 24—By Parson.

An Act to repeal sections 64.170 and 64.205, RSMo, and to enact in lieu thereof one new section relating to county building codes.

SB 25—By Parson.

An Act to amend chapter 67, RSMo, by adding thereto two new sections relating to tax incentives to attract sporting events to Missouri.

SB 26—By Kraus.

An Act to repeal sections 143.011 and 143.071, RSMo, and to enact in lieu thereof three new sections relating to taxation, with an effective date for a certain section.

SB 27—By Kraus.

An Act to repeal sections 115.427 and 115.430, RSMo, and to enact in lieu thereof two new sections relating to voter photo identification, with a contingent effective date.

SB 28—By Kraus.

An Act to repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

SB 29—By Brown.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

SB 30—By Brown.

An Act to repeal sections 290.210, 290.220, 290.230, 290.240, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, and

290.340, RSMo, relating to public contracts.

SB 31—By Lamping.

An Act to repeal sections 30.605, 143.011, 143.021, 144.020, 144.021, 144.440, 144.700, and 149.015, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

SB 32—By Lamping.

An Act to repeal sections 135.352, 143.011, 253.550, 253.557, and 253.559, RSMo, and to enact in lieu thereof five new sections relating to taxation.

SB 33—By Lamping.

An Act to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof three new sections relating to accommodations for persons with mental disabilities.

SB 34—By Cunningham.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims.

SB 35—By Wallingford.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the designation of tax refunds to certain funds.

SB 36—By Wallingford and Sifton.

An Act to repeal sections 211.071 and 211.073, RSMo, and to enact in lieu thereof three new sections relating to Jonathan's Law.

SB 37—By Wallingford and Sater.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of medical radiation safety awareness day.

SB 38—By Sifton.

An Act to repeal section 105.456 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof two new sections relating to banning lobbyist gifts.

SB 39—By Sifton.

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the Missouri homestead preservation act.

SB 40—By Sifton.

An Act to repeal section 376.1210, RSMo, and to enact in lieu thereof one new section relating to

maternity health insurance coverage.

SB 41—By Munzlinger.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to private nuisance actions.

SB 42—By Munzlinger.

An Act to repeal sections 221.070, 313.321, 488.5028, and 571.104, RSMo, and to enact in lieu thereof five new sections relating to delinquent debts for the cost of imprisonment in a county jail.

SB 43—By Munzlinger.

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to compliance with federal law regarding the weight allowance for idle reduction technology.

SB 44—By Dixon.

An Act to repeal section 488.426, RSMo, and to enact in lieu thereof one new section relating to a surcharge on civil court cases.

SB 45—By Dixon.

An Act to repeal section 487.020, RSMo, and to enact in lieu thereof one new section relating to family court commissioners.

SB 46—By Parson.

An Act to amend chapters 67 and 144, RSMo, by adding thereto two new sections relating to tax incentives for data storage centers.

SB 47—By Lamping.

An Act to repeal section 210.565, RSMo, and to enact in lieu thereof one new section relating to the placement of children with relatives.

SB 48—By Lamping.

An Act to repeal section 453.005, RSMo, and to enact in lieu thereof one new section relating to the prohibition of racial considerations in adoption proceedings.

SB 49—By Lamping.

An Act to repeal section 135.326, RSMo, and to enact in lieu thereof one new section relating to eligibility for the special needs adoption tax credit.

SB 50—By Wallingford, Cunningham and Romine.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to alternatives-to-abortion agencies.

SB 51—By Munzlinger.

An Act to repeal section 307.400, RSMo, and to enact in lieu thereof one new section relating to compliance with federal law regarding the equipment and operation of farm vehicles, with existing penalty provisions.

SB 52—By Munzlinger and Romine.

An Act to repeal section 488.5320, RSMo, and to enact in lieu thereof one new section relating to charges in criminal cases for law enforcement services.

SB 53—By Lamping.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to restricting public contracts with entities that invest in the energy sector in Iran.

SB 54—By Lamping.

An Act to repeal sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515, and 115.517, RSMo, and to enact in lieu thereof ten new sections relating to the joint election of governor and lieutenant governor, with a contingent effective date.

SB 55—By Lamping.

An Act to repeal sections 408.500 and 408.505, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with existing penalty provisions.

SB 56—By Munzlinger.

An Act to repeal section 196.055, RSMo, and to enact in lieu thereof two new sections relating to inspection of meat processors.

SB 57—By Romine.

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to the removal of weeds or trash in certain cities.

SB 58—By Romine.

An Act to amend chapter 77, RSMo, by adding thereto one new section relating to the passage of ordinances in the city of Farmington.

SB 59—By Rupp.

An Act to repeal sections 375.772, 375.775, 375.776, and 376.717, RSMo, and to enact in lieu thereof four new sections relating to the regulation of insurance guaranty associations.

SB 60—By Rupp.

An Act to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

SB 61—By Keaveny.

An Act to amend chapter 29, RSMo, by adding thereto one new section relating to requiring the state auditor to report on the costs of administering the death penalty.

SB 62—By Keaveny.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to seat belts, with penalty provisions.

SB 63—By Schmitt.

An Act to repeal section 135.800, RSMo, and to enact in lieu thereof one new section relating to taxation.

SB 64—By Dixon.

An Act to repeal section 538.210, RSMo, and to enact in lieu thereof one new section relating to the evidentiary standard for proving noneconomic damages in medical malpractice cases.

SB 65—By Dixon.

An Act to repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 50.1030, 56.809, 70.605, 103.025, 104.190, 104.480, and 169.020, RSMo, and to enact in lieu thereof nineteen new sections relating to the state auditor's office responsibilities, duties, and enforcement, with penalty provisions.

SB 66—By Dixon.

An Act to repeal sections 21.800, 21.830, 21.910, 301.129, 620.602, and 630.461, RSMo, relating to the repeal of certain committees.

SB 67—By Dixon.

An Act repeal sections 30.750, 173.003, 173.051, 173.236, 173.239, 173.254, 173.260, 173.262, 173.778, and 174.770, RSMo, and to enact in lieu thereof ten new sections relating to references to higher education statutes that were previously repealed.

SB 68—By Parson.

An Act to repeal sections 290.210 and 290.262, RSMo, and to enact in lieu thereof two new sections relating to prevailing wage determinations for third class counties.

SB 69—By Keaveny.

An Act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to administrative child support decisions.

SB 70—By Munzlinger.

An Act to repeal sections 105.487, RSMo, sections 105.955, 105.957, 105.959, 105.961, 105.963, and 105.966 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, sections 105.955 and 105.966 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 105.961 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, ninety-first general assembly, first regular session, and sections 105.957, 105.959, and 105.963 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof seven new sections relating to Missouri ethics commission operations and procedures.

SB 71—By Parson.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

SB 72—By Schaefer.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of motorcycle awareness month.

SB 73—By Schaefer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the prohibition of establishing roadside checkpoint patterns based on vehicle types.

SB 74—By Richard.

An Act to repeal sections 99.805, 99.810, 99.835, 99.845, 99.865, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, and 184.865, RSMo, and to enact in lieu thereof eighteen new sections relating to disaster areas, with an emergency clause.

SB 75—By Brown.

An Act to amend chapters 170 and 171, RSMo, by adding thereto two new sections relating to safety in public elementary and secondary schools.

SB 76—By Brown.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 77—By Lamping.

An Act to repeal section 210.278, RSMo, and to enact in lieu thereof one new section relating to neighborhood youth development programs.

SB 78—By Lamping.

An Act to repeal section 105.456 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to a waiting period for general assembly members seeking to become lobbyists.

SB 79—By Lamping.

An Act to repeal sections 115.121 and 115.341, RSMo, and to enact in lieu thereof two new sections relating to changing the primary election date.

SB 80—By Romine.

An Act to repeal section 344.040, RSMo, and to enact in lieu thereof one new section relating to the notification of license renewal for nursing home administrators.

SB 81—By Schaefer.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the recovery of attorney's fees in civil actions for the deprivation of rights.

SB 82—By Schaefer.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the lieutenant

governor, with an emergency clause.

SB 83—By Parson.

An Act to repeal sections 67.1521, 139.160, 139.170, 140.050, 140.150, 140.160, 140.230, 140.290, 140.300, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent property taxes.

SB 84—By Rupp.

An Act to amend chapter 191, RSMo, by adding thereto seven new sections relating to the conscience rights of all individuals who provide medical services.

SB 85—By McKenna.

An Act to amend chapter 77, RSMo, by adding thereto one new section relating to utilities in third class cities.

SB 86—By Keaveny.

An Act to repeal section 105.684, RSMo, and to enact in lieu thereof one new section relating to benefit changes to retirement plans, with an emergency clause.

SB 87—By Schaaf.

An Act to repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

SB 88—By Schaaf.

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

SB 89—By Munzlinger.

An Act to repeal section 198.345, RSMo, and to enact in lieu thereof one new section relating to nursing home districts.

SB 90—By McKenna.

An Act to repeal section 77.030, RSMo, and to enact in lieu thereof one new section relating to terms for councilmen in third class cities.

SB 91—By Justus.

An Act to repeal section 135.680, RSMo, and to enact in lieu thereof three new sections relating to tax credits for investors.

SB 92—By Justus.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to limiting financial contributions to support campaigns for certain public offices.

SB 93—By Justus.

An Act to repeal section 348.280, RSMo, relating to encouraging investment in science and technology.

SB 94—By Justus.

An Act to repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections relating to voting in advance of an election.

SB 95—By Justus.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to voluntary prekindergarten.

SB 96—By Justus.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to discrimination based on sexual orientation or gender identity.

SB 97—By Schaefer.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof one new section relating to the tobacco master settlement agreement, with an emergency clause.

SB 98—By Schaefer.

An Act to repeal section 273.327, RSMo, and to enact in lieu thereof one new section relating to animal shelter fees.

SB 99—By Keaveny.

An Act to repeal sections 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof three new sections relating to public administrators.

SB 100—By Keaveny.

An Act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to the exemption from attachment and execution of a person's interest in inherited retirement accounts and health savings plans.

SB 101—By Wasson.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to florists.

SB 102—By Kraus.

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof one new section relating to catalytic converters, with existing penalty provisions.

SB 103—By Kraus.

An Act to repeal section 135.710, RSMo, and to enact in lieu thereof one new section relating to alternative fuels tax credits.

SB 104—By Kraus.

An Act to repeal sections 301.064, 301.120, 301.130, and 301.144, RSMo, and to enact in lieu thereof four new sections relating to the issuance of state license plates.

SB 105—By Brown.

An Act to repeal sections 1.010 and 538.210, RSMo, and to enact in lieu thereof two new sections

relating to a statutory cause of action against healthcare providers.

SB 106—By Brown.

An Act to amend chapters 173, 192, and 324, RSMo, by adding thereto three new sections relating to current and former military personnel.

SB 107—By Lamping.

An Act to repeal sections 87.120, 87.130, 87.135, 87.170, 87.175, 87.177, 87.182, 87.190, 87.200, 87.205, 87.207, 87.215, 87.220, 87.325, 87.330, 87.335, 87.340, 87.345, and 87.371, RSMo, and to enact in lieu thereof nineteen new sections relating to the firemen's retirement system of St. Louis.

SB 108—By Kraus.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic enforcement systems.

SB 109—By Brown.

An Act to repeal sections 197.080 and 197.100, RSMo, and to enact in lieu thereof two new sections relating to hospital licensure.

SB 110—By Brown.

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

SB 111—By Emery.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to pharmacy inventories.

SB 112—By Rupp and Richard.

An Act to repeal section 135.680, RSMo, and to enact in lieu thereof one new section relating to the new markets tax credit, with an emergency clause.

SB 113—By Schmitt.

An Act to repeal section 210.115, RSMo, and to enact in lieu thereof one new section relating to persons required to report child abuse and neglect.

SB 114—By Schmitt.

An Act to repeal section 311.055, RSMo, and to enact in lieu thereof one new section relating to intoxicating liquor manufactured for personal or family use.

SB 115—By Schmitt.

An Act to repeal sections 287.902, 287.905, 287.907, 287.909, 287.910, 287.912, 287.915, 287.917, 287.919, and 287.920, RSMo, and to enact in lieu thereof one new section relating to the Missouri employers mutual insurance company, with an effective date for certain sections.

SB 116—By Kraus.

An Act to repeal sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof twenty-six new sections relating to uniformed military voters, with penalty provisions.

SB 117—By Kraus.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to residency at public institutions of higher education.

SB 118—By Kraus.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

SB 119—By Emery.

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to the state sovereignty commission.

SB 120—By Schmitt.

An Act to amend chapter 135, RSMo, by adding thereto six new sections relating to an air export incentive, with an emergency clause.

SB 121—By Schaefer.

An Act to repeal sections 311.070, 311.071, 311.195, 311.205, 311.260, 311.332, and 311.490, RSMo, and to enact in lieu thereof six new sections relating to liquor control.

SB 122—By Schaefer.

An Act to repeal sections 610.010, 610.020, 610.021, 610.022, 610.023, 610.027, and 610.100, RSMo, and to enact in lieu thereof seven new sections relating to public records and meetings, with existing penalty provisions and an emergency clause for a certain section.

SB 123—By Chappelle-Nadal.

An Act to repeal section 94.270, RSMo, and to enact in lieu thereof one new section relating to municipal hotel and motel taxes.

SB 124—By Chappelle-Nadal.

An Act to amend chapter 571, RSMo, by adding thereto three new sections relating to firearms, with penalty provisions.

SB 125—By Nasheed.

An Act to repeal sections 168.221 and 168.291, RSMo, and to enact in lieu thereof one new section relating to employment of school personnel.

SJR 1—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 22(a) of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to noneconomic damage awards in civil cases.

SJR 2—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

SJR 3—By Schaefer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the

Constitution of Missouri, and adopting one new section relating to the fifth state building fund.

SJR 4—By Lamping.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to elective state officers.

SJR 5—By Lamping.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 20, 20(a), 22, 25, and 32 of article III of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the adjournment of the legislative session.

SJR 6—By Kraus.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to voter photo identification.

SJR 7—By Dixon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, and 7, of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to apportionment commissions.

SJR 8—By Dixon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the appointment of judges to the reapportionment commission.

SJR 9—By Emery.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 of article VII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to impeachment trials.

Senator Pearce assumed the Chair.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 3, regarding the Sixtieth Anniversary of the Missouri League for Nursing, which was adopted.

Senator Kehoe offered Senate Resolution No. 4, regarding the 2012 Class 2 State Champion Osage R-III School District's Fatima High School volleyball team, which was adopted.

Senator McKenna offered Senate Resolution No. 5, regarding Betty Stackley, Crystal City, which was adopted.

Senator Wallingford offered Senate Resolution No. 6, regarding McDonald's Restaurant, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 7, regarding Strickland Engineering, LC, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 8, regarding Associated Sheet Metal, Inc., Jackson,

which was adopted.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 9

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-third District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rules 25, 28, and 60, be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 7 members.
3. Committee on Appropriations, [9] **10** members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, [9] **10** members.
5. Committee on Education, [9] **10** members.
6. Committee on Financial and Governmental Organizations and Elections, [9] **10** members.
7. Committee on General Laws, [9] **7** members.
8. Committee on Governmental Accountability **and Fiscal Oversight**, [5] **7** members.
9. Committee on Gubernatorial Appointments, [9] **10** members.
10. [Committee on Health, Mental Health, Seniors and Families, 7 members.
- 11.] Committee on Jobs, Economic Development and Local Government, [9] **10** members.
- [12.] **11.** Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
- [13.] **12.** Committee on Progress and Development, 5 members.
- [14.] **13.** Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
- 14. Committee on Seniors, Families and Pensions, 7 members.**
15. Committee on Small Business, Insurance and Industry, 7 members.
16. Committee on Transportation **and Infrastructure**, [9] **7** members.
17. Committee on Veterans' Affairs[, Emerging Issues, Pensions and Urban Affairs] **and Health**, [7] **10** members.
18. Committee on Ways and Means [and Fiscal Oversight], [5] **10** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and

exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon all bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental preservation.

5. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

6. The Committee on Financial and Governmental Organizations and Elections shall consider and report upon bills and matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider and report upon bills and matters referred to it relating to election law.

7. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

8. The Committee on Governmental Accountability **and Fiscal Oversight** shall review, study, and investigate all matters referred to it relating to the application, administration, execution, and effectiveness of all state laws and programs, the organization and operation of state agencies and other entities having responsibility for the administration and execution of state laws and programs, and any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation to improve the efficiency of any state law or program. Any findings of the committee may be reported to the senate and the Committee on Appropriations. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management. **The Committee on Governmental Accountability and Fiscal Oversight shall also consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the Committee on Governmental Accountability and Fiscal Oversight.**

9. The Committee on Gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

10. [The Committee on Health, Mental Health, Seniors and Families shall consider and report upon bills and matters referred to it concerning health, MO HealthNet, alternative health care delivery system proposals, mental health, developmental disabilities, and substance abuse and addiction. It shall also consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, child support enforcement, public health, disease control, and hospital operations.

11.] The Committee on Jobs, Economic Development and Local Government shall consider and report upon bills and matters referred

to it relating to the promotion of economic development, the creation and retention of jobs, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

[12.] **11.** The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

[13.] **12.** The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

[14.] **13.** The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

14. The Committee on Seniors, Families and Pensions shall consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning retirement and pensions and pension plans, income maintenance, social services, and child support enforcement.

15. The Committee on Small Business, Insurance and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

16. The Committee on Transportation **and Infrastructure** shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses.

17. The Committee on Veterans' Affairs[, Emerging Issues, Pensions and Urban Affairs] **and Health** shall consider and report upon bills and matters concerning veterans' affairs. The committee shall also consider and report upon bills and matters referred to it concerning [issues of statewide or immediate concern, retirement, pensions and pension plans; and urban renewal, housing and other matters relating to urban areas] **health, MO HealthNet, alternative health care delivery system proposals, public health, disease control, hospital operations, mental health, developmental disabilities, and substance abuse and addiction.**

18. The Committee on Ways and Means [and Fiscal Oversight] shall consider and report upon bills and matters referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming. [The Committee on Ways and Means and Fiscal Oversight shall also consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Ways and Means and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Ways and Means and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Ways and Means and Fiscal Oversight. The author or first-named sponsor

of a bill referred to the Committee on Ways and Means and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Ways and Means and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the committee on Ways and Means and Fiscal Oversight.]

Rule 60. An amendment shall not go beyond the second degree to an original bill. All amendments adopted by either house to a bill pending and originating in the same shall be incorporated in the bill, and the bill as perfected shall before the third reading and final passage, be printed for the use of the members. The printing of bills ordered to third reading and final passage shall be under the supervision of the Committee on Rules, Joint Rules [and], Resolutions **and Ethics**, whose report shall set forth that they find the printed copy of such bills as theretofore agreed and furnished for the use of the members is correct. A correct record of each day's proceedings in each house shall be furnished for the use of the members of the general assembly before the record is approved and no bill shall be signed by the presiding officer of either house until such printed copy thereof shall have been furnished for the use of the members of the general assembly and the record of the previous day shall have been approved. When agreed to by both houses, the bill as finally passed shall be typed or printed and signed by the presiding officer of each house and transmitted to the governor.”; and

BE IT FURTHER RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that the temporary rules adopted on January 9, 2013, as amended, hereby be adopted as the permanent rules of the Missouri Senate of the Ninety-seventh General Assembly.

Senator Walsh offered Senate Resolution No. 10, regarding Timothy P. Green, Spanish Lake, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Dean Aye, 4191 County Road 2030, Mountain View, Howell County, Missouri 65548, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, RSMo. 210.617.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 13, 2012, while the Senate was not in session.

Alana M. Barragan-Scott, 5747 E. Sing Drive, Columbia, Boone County, Missouri 65202, as a member of the Administrative Hearing Commission, for a term ending December 12, 2018, and until her successor is duly appointed and qualified; vice, RSMo 261.015.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2012, while the Senate was not in session.

Donna L. Birks, Democrat, 4710 Eastern Avenue, Kansas City, Jackson County, Missouri 64129, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2018, when her successor is duly elected or appointed and qualified; vice, Susan Pentlin, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2012, while the Senate was not in session.

Martha Black, 739 East 210th Road, Charleston, Mississippi County, Missouri 63834, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2014, and until her successor is duly appointed and qualified; vice, Martha Black, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

November 28, 2012, while the Senate was not in session.

Nanci Bobrow, 50 Kingsbury Place, Saint Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2013 and until her successor is duly appointed and qualified; vice, Dena Ladd, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2013, while the Senate was not in session.

David L. Bonner, Democrat, 730 Academy Avenue, Matteson, Cook County, Illinois 60443, as a member of the Truman State University Board of Governors, for a term ending January 1, 2019, when his successor is duly elected or appointed and qualified; vice, John C. Hilton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2012, while the Senate was not in session.

Stephen R. Bough, Democrat, 1025 Arno Road, Kansas City, Jackson County, Missouri 64113, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2017, and until his successor is duly appointed and qualified; vice, Jose B. Lopez, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

November 28, 2012, while the Senate was not in session.

Lori A. Bruce, 709 Luper Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2017, and until her successor is duly appointed and qualified; vice, Lori A. Bruce, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 31, 2012, while the Senate was not in session.

Victor E. Callahan, Democrat, 132 East Short, Independence, Jackson County, Missouri 64050, as a member of the State Tax Commission, for a term ending January 23, 2018, and until his successor is duly appointed and qualified; vice, Jeff Schaeperkoetter, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2013, while the Senate was not in session.

Lloyd Joseph Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri, 65809, as a member of the Missouri State University Board of Curators, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, Elizabeth H. Bradbury, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

January 8, 2013, while the Senate was not in session.

Carrie Carroll, Republican, 916 Topaz Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2015, when her successor is duly elected or appointed and qualified; vice, John Winston, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

Harold L. Caskey, RR 1 Box 172, Butler, Bates County, Missouri 64730, as a member of the Missouri State Capitol Commission, for a term ending April 18, 2016, and until his successor is duly appointed and qualified; vice, Peter Wayne Goode, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

J. Scott Christianson, Democrat, 300 South Garth Avenue, Columbia, Boone County, Missouri 65203, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2015, and until his successor is duly appointed and qualified; vice, Norma Clayton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2013, while the Senate was not in session.

John Allen Collier, Republican, 608 Fifth Street, Weston, Platte County, Missouri, 64098, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Edward L. Baker, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 19, 2012, while the Senate was not in session.

Janet Crafton, Democrat, 17851 State Route BB, Saint James, Phelps County, Missouri 65559, as a member of the State Fair Commission, for a term ending December 29, 2015, and until her successor is duly appointed and qualified; vice, Steve W. Luecker, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Kelley Cramm, 1331 West 50th Terrace, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2012, and until her successor is duly appointed and qualified; vice, Charles Royce Fugate, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

September 19, 2012, while the Senate was not in session.

Cynthia S. Curnutte, 12400 West Michele Street, Rocheport, Boone County, Missouri 65279, as a member of the Interior Design Council, for a term ending April 6, 2016, and until her successor is duly appointed and qualified; vice, Elizabeth Harmon-Vaughan, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2012, while the Senate was not in session.

Matthew L. Dameron, Democrat, 11518 Wornall Road, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Development Finance Board, for a term ending September 14, 2015, and until his successor is duly appointed and qualified; vice, John Starr, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Reginald D. Dickson, Democrat, 4301 Roland Boulevard, Normandy, St. Louis County, Missouri 63121, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2016, and until his successor is duly appointed and qualified; vice, William Gillespie, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2012, while the Senate was not in session.

Francis Dorrel, Republican, 215 West Edwards, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, Francis Dorrel, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Melissa Joy Edwards, 4304 Kensington Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending May 31, 2016, and until her successor is duly appointed and qualified; vice, RSMo. 327.031.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Kelly L. Floyd, 7442 Foxfield Drive, Hazelwood, Saint Louis County, Missouri 63042, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until her successor is duly appointed and qualified; vice, RSMo. 210.617.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2012, while the Senate was not in session.

Collin L. Follis, Democrat, 208 Thost Street, Fredericktown, Madison County, Missouri 63645, as a member of the State Board of

Embalmers and Funeral Directors, for a term April 1, 2017, ending when his successor is duly elected or appointed and qualified; vice, Daniel T. Mahn, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Suzette Forbis, 4187 West Harper Road, Clark, Boone County, Missouri 65243, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until her successor is duly appointed and qualified; vice, RSMo. 210.617.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 26, 2012, while the Senate was not in session.

Alan O. Freeman, 550 Skyview Drive, Ellington, Reynolds County, Missouri 63638, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Margaret Freihaut, 347 Marden Lane, Robertsville, Franklin County, Missouri 63072, as a member of the Missouri State Board of

Chiropractic Examiners, for a term ending June 1, 2015, and until her successor is duly appointed and qualified; vice, William F. Madosky, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2013, while the Senate was not in session.

Harry Ralph Gaw, Democrat, 31311 Highway 5, Tipton, Moniteau County, Missouri 65081, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2013, and until his successor is duly appointed and qualified; vice, Kathryn Braden, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your August 27, 2012, while the Senate was not in session.

Lisa A. Green, 12100 Aragan, Saint Louis, Saint Louis County, Missouri 63138, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2016, and until her successor is duly appointed and qualified; vice, Lisa A. Green, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

Michael D. Hall, 230 Virginia, Hannibal, Marion County, Missouri 63401, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2015, and until his successor is duly appointed and qualified; vice, Michael D. Hall, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Christopher G. Halliday, 306 Cape Coral Circle, Kirksville, Adair County, Missouri 63501, as a member of the Higher Education Loan Authority of the State of Missouri, for a term ending October 22, 2013, and until his successor is duly appointed and qualified; vice, Willis Jackson Magruder, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2013, while the Senate was not in session.

Patrick B. Harr, Republican, 319 Eagles Point Road, Shell Knob, Stone County, Missouri 65747, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2019, when his successor is duly elected or appointed and qualified; vice, Douglas L. Sutton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

Mark S. Hasheider, 1712 Fremont, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2014, and until his successor is duly appointed and qualified; vice, Russell K. Mason, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2012, while the Senate was not in session.

Diane Campbell Howard, Democrat, 1600 Themis Street, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Gaming Commission, for a term ending April 29, 2015, and until her successor is duly appointed and qualified; vice, James Mathewson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Michael T. Jinks, 513 Cottage Place, Republic, Greene County, Missouri 65738, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2017, and until his successor is duly appointed and qualified; vice, Karlton B. Nash, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2013, while the Senate was not in session.

Nancy Johnston, 7276 Meriwether Court, Barnhart, Jefferson County, Missouri 63012, as Director of the Division of Personnel for the

Office of Administration, for a term ending June 30, 2013, and until her successor is duly appointed and qualified; vice, William Miller, Jr, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 9, 2013, while the Senate was not in session.

William P. Kenney, 3416 Southwest Lois Lane, Lee's Summit, Jackson County, Missouri 64082, as a member of the Public Service Commission, for a term ending January 9, 2019, and until his successor is duly appointed and qualified; vice, Jeffrey Davis, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Stephen M. Kenny, 1717 Ankney Place, Neosho, Newton County, Missouri 64850, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2013, and until his successor is duly appointed and qualified; vice, Janet Hunt, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

Paula D. Knight, 1119 North 11th Street, Saint Louis City, Missouri 63101, as a member of the Coordinating Board for Early Childhood,

for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified, vice, Sharon E. Rohrbach.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2013, while the Senate was not in session.

Jay Bradley Knudtson, Republican, 815 Pheasant Cove Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, James P. Limbaugh, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Jamie S. Koehler, 1931 College Street, Cape Girardeau, Cape Girardeau County, Missouri 63703, as a member of the Seismic Safety Commission, for a term ending July 1, 2014, and until her successor is duly appointed and qualified; vice, Donald Landon, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2013, while the Senate was not in session.

Michael J. LaBeth, Republican, 868 College Park Place, Kirksville, Adair County, Missouri 63501, as a member of the Truman State

University Board of Governors, for a term ending January 1, 2019, when his successor is duly elected or appointed and qualified; vice, Kenneth L. Read, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 13, 2012, while the Senate was not in session.

Brian K. Long, 2129 Green Meadow Drive, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Revenue, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2012, while the Senate was not in session.

Carolyn R. Mahoney, Democrat, 1901 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, when her successor is duly elected or appointed and qualified; vice, Mary Beth Luna Wolf, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2012, while the Senate was not in session.

Gregory D. Mason, Democrat, 2621 Southwest Kristin Drive, Lee's Summit, Jackson County, Missouri 64082, as a member of the Missouri Western State University Board of Governors, for a term October 29, 2018, ending when his successor is duly elected or appointed and qualified; vice, Tommye A. Quilty, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2012, while the Senate was not in session.

John McGuire, Democrat, 368 Carson Ridge Road, Glasgow, Howard County, Missouri 65254, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, Rodney Boyd, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Kerry Messer, 6336 State Route DD, Festus, Sainte Genevieve County, Missouri 63028, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, Kerry Messer, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Gregory Mills, 2512 Northeast 78th Street, Kansas City, Clay County, Missouri 64118, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2013, and until his successor is duly appointed and qualified; vice, James Corwin, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

William S. Moriarty, Independent, 1 Burke Ridge Road, Van Buren, Carter County, Missouri 63965, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2012, and until his successor is duly appointed and qualified; vice, Marie L. Payne, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2012, while the Senate was not in session.

Dushyanthi A. Mullegama, 4455 Madison Avenue #203S, Kansas City, Jackson County, Missouri 64111, as a member of the State Committee for Social Workers, for a term October 23, 2014, ending when her successor is duly elected or appointed and qualified; vice, Catherine L. Pasierb, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

December 19, 2012, while the Senate was not in session.

Douglas E. Nelson, 5108 Sockeye Ct., Columbia, Boone County, Missouri 65203, as Commissioner of Administration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Melinda Nicholson, 828 South Gold Rush Avenue, Nixa, Christian County, Missouri 65714, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until her successor is duly appointed and qualified; vice, RSMo. 210.617.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2013, while the Senate was not in session.

John R. Phillips, Democrat, 635 West 67th Street, Kansas City, Jackson County, Missouri 64113, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Warren K. Erdman, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1,

2012, while the Senate was not in session.

Eric Pilson, 10532 East State Highway 86, Blue Eye, Stone County, Missouri 65611, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, RSMo. 210.617.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2012, while the Senate was not in session.

T. Eric Pitman, Republican, 3540 Big Bear Court, Wentzville, Saint Charles County, Missouri 63385, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2015, and until his successor is duly appointed and qualified; vice, Martin Vernon, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2013, while the Senate was not in session.

J. Michael Ponder, Democrat, 3041 Keystone, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Judith G. Haggard, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

September 19, 2012, while the Senate was not in session.

Nathan D. Preston, 1402 Golf Club Drive, Richmond, Ray County, Missouri 64085, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2016, and until his successor is duly appointed and qualified; vice, Peggy D. Hulett formally known as Peggy D. Loman, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2012, while the Senate was not in session.

Alfred Purcell, Republican, 9803 Southeast State Route T, Easton, Buchanan County, Missouri 64443, as a member of the Missouri Western State University Board of Governors, for a term October 29, 2018, ending when his successor is duly elected or appointed and qualified; vice, Thaddus S. Danford, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

Michael C. Rader, 1004 West 125th Terrace, Kansas City, Jackson County, Missouri 64145, as a member of the Missouri Brain Injury Advisory Council, for a term ending May 12, 2015, and until his successor is duly appointed and qualified; vice, Charity F. Shelton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

December 20, 2012, while the Senate was not in session.

Lori Rasmussen, 1034 Savonne Court, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri State Board of Chiropractic Examiners, for a term January 1, 2014, ending when her successor is duly elected or appointed and qualified; vice, Paul G. Nahon, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Janet E. Richardson, 19809 East 14th Street North, Independence, Jackson County, Missouri 64056, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until her successor is duly appointed and qualified; vice, RSMo. 210.617.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2013, while the Senate was not in session.

John W. Richmond, Democrat, 5656 Highway 136, Albany, Gentry County, Missouri 64402, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2019, when his successor is duly elected or appointed and qualified; vice, Lydia Hurst, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

November 28, 2012, while the Senate was not in session.

Nicole N. Roach, Democrat, 4710 Anderson Avenue, Saint Louis City, Missouri 63115, as a member of the Missouri Community Service Commission, for a term ending March 26, 2015, and until her successor is duly appointed and qualified; vice, Lori Rasmussen, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 27, 2012, while the Senate was not in session.

Greg L. Roberts, Democrat, 9 Chesterfield Lakes Road, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2015, and until his successor is duly appointed and qualified; vice, John Stanfield, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Brent Rosenblad, 3105 Meghann Drive, Columbia, Boone County, Missouri 65203, as a member of the Seismic Safety Commission, for a term ending July 1, 2014, and until his successor is duly appointed and qualified; vice, Daniel J. Abbott, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

September 19, 2012, while the Senate was not in session.

Danny R. Rowden, 542 Indian Lake Drive, Wright City, Warren County, Missouri 63390, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2016, and until his successor is duly appointed and qualified; vice, Becky Jungmann, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 21, 2012, while the Senate was not in session.

Don T. Ruzicka, Republican, 1328 Deer Lane, Mount Vernon, Lawrence County, Missouri 65712, as a member of the Board of Probation and Parole, for a term ending December 20, 2018, and until his successor is duly appointed and qualified; vice, Section 217.665, RSMo.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2012, while the Senate was not in session.

Kelly J. Scott, 101 Lexibelle Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2014, and until her successor is duly appointed and qualified; vice, Deborah Wagner, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2012, while the Senate was not in session.

Charles W. Shields, Republican, 47 Southeast Erin Court, Saint Joseph, Buchanan County, Missouri 64507, as a member of the State Board of Education, for a term ending July 1, 2020, and until his successor is duly appointed and qualified; vice, Derio L. Gambaro, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Rhonda Shimmens, 1630 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2016, and until her successor is duly appointed and qualified; vice, Rhonda Shimmens, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2012, while the Senate was not in session.

Traron L. Shivers, 711 Lee Drive, Jefferson City, Cole County, Missouri 65101, as the student representative of the Lincoln University Board of Curators, for a term ending December 31, 2013, and until his successor is duly appointed and qualified; vice, Tiffany L. Carter, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 19, 2012, while the Senate was not in session.

John W. Sisco, III, Republican, 4804 Marchwood Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2013, and until his successor is duly appointed and qualified; vice, Anita T. Yeckel, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

William Skains, 805 Mockingbird Lane, Branson, Taney County, Missouri 65616, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2014, and until his successor is duly appointed and qualified; vice, Gary M. Little, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2013, while the Senate was not in session.

Bruce Thomas Sommer, Democrat, 1275 Brownell Avenue, Glendale, St Louis County, Missouri 63122, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2018, and until his successor is duly appointed and qualified; vice, Thomas Irwin, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1,

2012, while the Senate was not in session.

Stephen Stoll, 716 Richard Avenue, Festus, Jefferson County, Missouri 63028, as a member of the Public Service Commission, for a term ending December 13, 2017, and until his successor is duly appointed and qualified; vice, Stephen Stoll, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2012, while the Senate was not in session.

Erwin Switzer, 6379 Devonshire Avenue, Saint Louis City, Missouri 63109, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2016, and until his successor is duly appointed and qualified; vice, Jerome Lee, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 8, 2013, while the Senate was not in session.

Edward J. Tabash, Republican, 400 South 14th Unit 1017, Saint Louis City, Missouri 63103, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2018, and until his successor is duly appointed and qualified; vice, Judith K. Doss, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1,

2012, while the Senate was not in session.

Brian D. Vesely, 2800 West Garton Road, Ozark, Christian County, Missouri 65721, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2016, and until his successor is duly appointed and qualified; vice, Linda R. Curbow, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2012, while the Senate was not in session.

Randy D. Warner, 1685 Northwest 615th Road, Kingsville, Johnson County, Missouri 64061, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2016, and until his successor is duly appointed and qualified; vice, Dennis L. Carroll, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 19, 2012, while the Senate was not in session.

Charles E. Weedman Jr., Republican, 155 North Price, Harrisonville, Cass County, Missouri 64701, as a member of the Missouri Ethics Commission, for a term ending March 15, 2016, and until his successor is duly appointed and qualified; vice, Jeffrey B. Davison, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1,

2012, while the Senate was not in session.

Derek E. Williams, 1105 South Walnut, Cameron, Clinton County, Missouri 64429, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, RSMo. 210.617.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2012, while the Senate was not in session.

Cathee Wolford, 710 Northeast 85th Terrace Apartment 101, Kansas City, Jackson County, Missouri 64155, as a member of the Board of Certification of Interpreters, for a term ending June 27, 2015, and until her successor is duly appointed and qualified; vice, Meriam Williams, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2012, while the Senate was not in session.

Rhonda J. Wood, 6420 Southwest Way, Columbia, Boone County, Missouri 65203, as a member of the Committee for Professional Counselors, for a term ending August 28, 2013, and until her successor is duly appointed and qualified; vice, Verl T. Pope, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 1, 2012, while the Senate was not in session.

Charles R. Wooten, 1354 North Sandycreek Circle Unit 2, Nixa, Christian County, Missouri 65714, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2015, and until his successor is duly appointed and qualified; vice, John D. Comerford, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 9, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2012, while the Senate was not in session.

John Young, Route 1, Box 34 B, Princeton, Mercer County, Missouri 64673, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, Charles McKenzie, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker	Timothy W. Jones
Speaker Pro Tem	Jason Smith
Chief Clerk	D. Adam Crumbliss
Doorkeeper	Don Knollmeyer
Sergeant-at-Arms	Ralph Robinett
Chaplain	Reverend Monsignor Robert Kurwicki

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief

Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Monday, January 28, 2013, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 23, 2013, to receive a message from the Honorable Richard B. (Rick) Teitelman, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

COMMITTEE APPOINTMENTS

President Pro Tem Dempsey submitted the following committee appointments:

Administration

Senator Tom Dempsey, Chair

Senator Ron Richard, Vice-chair

Senator Ryan McKenna

Senator Jolie Justus

Senator Mike Kehoe

Gubernatorial Appointments

Senator Tom Dempsey, Chair
Senator Ron Richard, Vice-chair
Senator Brad Lager
Senator John Lamping
Senator Brian Munzlinger
Senator Rob Schaaf
Senator Ryan McKenna
Senator Paul LeVota
Senator Jamilah Nasheed

Rules, Joint Rules, Resolutions and Ethics

Senator Ron Richard, Chair
Senator Tom Dempsey, Vice-chair
Senator Brad Lager
Senator Doug Libla
Senator Brian Nieves
Senator Paul LeVota
Senator Gina Walsh

President Pro Tem Dempsey referred the Gubernatorial Appointments appearing on pages 25 to 53 to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 11, regarding the Blue Springs High School boys cross country program, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Richard introduced to the Senate, his wife, Patty, Joplin; and Keegan Tinney.

Senator McKenna introduced to the Senate, former State Senator and Mrs. Jack Gannon, Jefferson County.

Senator Pearce introduced to the Senate, his wife, Teresa, Warrensburg; and Betty Jo Schubert, Jefferson City.

Senator Schmitt introduced to the Senate, his wife, Jaime and their children, Stephen II, Sophia and Olivia, Glendale; and his parents, Stephen F. and Kathleen M. Schmitt, Bridgeton.

Senator Sater introduced to the Senate, his wife, Sharon, Cassville.

Senator Romine introduced to the Senate, his wife, Kathy, Farmington; their son, Jason and his wife, Erika and their children, Jayson, Jaxson and Braxton Romine, Liberty.

Senator Holsman introduced to the Senate, his wife, Robyn, their children, Savannah and Grant; his mother, Judy Giannini; his father, Gale Holsman; his grandparents, Harold and Lillie Myers; and his sister, Shannon Lock, Kansas City; and Savannah and Grant were made honorary pages.

Senator Curls introduced to the Senate, Shyree Holmes-Leverett, San Antonio, Texas.

Senator Nasheed introduced to the Senate, her husband, Fahim; Sable Campbell-Jones; Tiffany and Gloria McConnell; and Eric Vickers and students from Storman Academy, St. Louis.

Senator LeVota introduced to the Senate, his wife, Nancy and their daughters, Meghan and Madeline; his mother, Linda and stepfather, Ray Halvorson; his father, Sam; and his brothers, Phil and Steve LeVota; and Chris Whiting, Independence.

Senator Walsh introduced to the Senate, her mother, Maureen Rone; her daughters, Michaela Friederich and Sarah and Kathleen (Casey) Walsh, St. Louis; her sisters, Lisa Leake and her husband, Bob, Palmyra; Mary Alice (Mimi) Mensio; her brothers, Philip Rone; Joseph (Joe) Rone and his wife, Tracy; Tim Rone and his wife, Mary and their children, Liam, Kathleen, Margaret and Molly; her aunts, Sheila Cova, Kathleen Hanrahan; her cousin, Meghan Hanrahan; and Sally Wahlbrink, Valerie Whitney, Karen Imperiale, and Richard Kellett, St. Louis area; and Liam, Kathleen, Margaret and Molly were made honorary pages.

Senator Wallingford introduced to the Senate, his wife, Suzy and Doug and Fran Austin, Cape Girardeau; and his sister, Shiela Smilgis, Bloomington, Illinois.

Senator Silvey introduced to the Senate, his wife, Angela, and Sammy Panethiere, Kansas City; his parents, David and Debbie Silvey, Gladstone; Mark Coulter, Plattsburg; and Mike Talboy, Johnson County, Kansas.

Senator Cunningham introduced to the Senate, Marsha Allen and her son, Nick, Thayer; and Barbara Tomblinson and Joan Branson, Jefferson City.

Senator Sifton introduced to the Senate, his wife, Stacey and their children, Stephen and Madelyn, St. Louis; his mother, Barbara, Bisbee, Arizona; his father, Richard, Roanoke, Virginia and his brother, Brian, Kansas City.

Senator Libla introduced to the Senate, his wife, Elaine and their daughter, Cassie, Poplar Bluff; his mother, Marglie; brothers, David and his wife, Mary; Jeff and his wife, Marsha; and his sister, Joyce Robinson and her husband, David, Butler County.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Sam Page, Creve Coeur.

Senator Emery introduced to the Senate, Gail Alston, Cass County; Ron and Ann Calzone and family, Dixon; Paul Jones, Raymore; John Shomin, Liberal; and Shannon and Morgan Briscoe, Archie.

Senator Rupp introduced to the Senate, former State Senator Judge Jack Goodman, Lawrence County.

Senator Dempsey introduced to the Senate, Andy, Ted, Tony and Robbie Gutierrez, Salisbury, Maryland; Ethan and Michael Gentry, Topeka, Kansas; B.J. and Kelli Buehler and their children, Brooklyn, Bailey, Kelby and Kasch, Cimarron, Kansas; and Ethan, Michael, Brooklyn, Bailey, Kelby and Kasch were made honorary pages.

Senator Dixon introduced to the Senate, his wife, Amanda, Springfield.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY—THURSDAY, JANUARY 10, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Rupp	SB 35-Wallingford
SB 2-Rupp	SB 36-Wallingford and Sifton
SB 3-Rupp	SB 37-Wallingford and Sater
SB 4-Lager	SB 38-Sifton
SB 5-Lager	SB 39-Sifton
SB 6-Lager	SB 40-Sifton
SB 7-Pearce	SB 41-Munzlinger
SB 8-Pearce	SB 42-Munzlinger
SB 9-Pearce	SB 43-Munzlinger
SB 10-Schmitt and Richard	SB 44-Dixon
SB 11-Schmitt	SB 45-Dixon
SB 12-Schaefer	SB 46-Parson
SB 13-Schaefer	SB 47-Lamping
SB 14-Schaaf	SB 48-Lamping
SB 15-Richard	SB 49-Lamping
SB 16-Munzlinger	SB 50-Wallingford, et al
SB 17-Munzlinger and Romine	SB 51-Munzlinger
SB 18-Munzlinger	SB 52-Munzlinger and Romine
SB 19-Wasson	SB 53-Lamping
SB 20-Dixon	SB 54-Lamping
SB 21-Dixon	SB 55-Lamping
SB 22-Dixon	SB 56-Munzlinger
SB 23-Parson	SB 57-Romine
SB 24-Parson	SB 58-Romine
SB 25-Parson	SB 59-Rupp
SB 26-Kraus	SB 60-Rupp
SB 27-Kraus	SB 61-Keaveny
SB 28-Kraus	SB 62-Keaveny
SB 29-Brown	SB 63-Schmitt
SB 30-Brown	SB 64-Dixon
SB 31-Lamping	SB 65-Dixon
SB 32-Lamping	SB 66-Dixon
SB 33-Lamping	SB 67-Dixon
SB 34-Cunningham	SB 68-Parson

SB 69-Keaveny	SB 102-Kraus
SB 70-Munzlinger	SB 103-Kraus
SB 71-Parson	SB 104-Kraus
SB 72-Schaefer	SB 105-Brown
SB 73-Schaefer	SB 106-Brown
SB 74-Richard	SB 107-Lamping
SB 75-Brown	SB 108-Kraus
SB 76-Brown	SB 109-Brown
SB 77-Lamping	SB 110-Brown
SB 78-Lamping	SB 111-Emery
SB 79-Lamping	SB 112-Rupp and Richard
SB 80-Romine	SB 113-Schmitt
SB 81-Schaefer	SB 114-Schmitt
SB 82-Schaefer	SB 115-Schmitt
SB 83-Parson	SB 116-Kraus
SB 84-Rupp	SB 117-Kraus
SB 85-McKenna	SB 118-Kraus
SB 86-Keaveny	SB 119-Emery
SB 87-Schaaf	SB 120-Schmitt
SB 88-Schaaf	SB 121-Schaefer
SB 89-Munzlinger	SB 122-Schaefer
SB 90-McKenna	SB 123-Chappelle-Nadal
SB 91-Justus	SB 124-Chappelle-Nadal
SB 92-Justus	SB 125-Nasheed
SB 93-Justus	SJR 1-Lager
SB 94-Justus	SJR 2-Lager
SB 95-Justus	SJR 3-Schaefer
SB 96-Justus	SJR 4-Lamping
SB 97-Schaefer	SJR 5-Lamping
SB 98-Schaefer	SJR 6-Kraus
SB 99-Keaveny	SJR 7-Dixon
SB 100-Keaveny	SJR 8-Dixon
SB 101-Wasson	SJR 9-Emery

INFORMAL CALENDAR

RESOLUTIONS

SR 9-Dempsey
HCR 1-Diehl (Richard)

HCR 2-Diehl (Richard)

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Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 10, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Thus says the Lord...let everyone return home, for this thing is from me.” (2 Chronicles 11:4)

God Our Father, we pray for safe travel as we return to loved ones after an exciting but shortened week. Guide us and make our ways safe protected by Your presence. Make our homecoming joyful and our time in Your house enriching and meaningful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

The Lieutenant Governor was present.

Senator Richard announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 12, regarding Philip W. “Phil” Livesay, Hannibal, which was adopted.

Senator Dixon offered Senate Resolution No. 13, regarding Certified Public Managers® program, which was adopted.

Senator Parson offered Senate Resolution No. 14, regarding Blake Andrew Brodersen, which was adopted.

Senator Parson offered Senate Resolution No. 15, regarding Pam Naylor, Buffalo, which was adopted.

Senators Dempsey, Richard and Justus, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 16

Whereas, the members of the Missouri Senate feel it is altogether right and proper to pause from time to time to observe milestones in the lives of Missouri citizens who have distinguished themselves by their exemplary service to this legislative body; and

Whereas, the members now pause to recognize Ken Holman of Jefferson City, Missouri, who stepped from his post as Head Senate Doorkeeper, an elected position, at the end of 2012, after twenty-two years of loyal and dedicated service; and

Whereas, born in Kansas City, Missouri, Ken Holman is a decorated veteran of World War II, during which he served courageously in Italy from 1944 to 1946 as a proud member of the United States Army, 92nd Division, 370th Infantry Regiment, Company A; and

Whereas, a brave and valiant soldier, Ken Holman earned many military honors, including the Combat Infantry Badge, Purple Heart, Bronze Star, African European Theater Ribbon, American Theater Ribbon, Good Conduct Medal, and World War II Victory Medal; and

Whereas, following his honorable discharge from the United States Army, Ken Holman embarked upon a number of successful careers related to selling cars, working for the Union Pacific Railroad, and serving as Manager of General Services for the Missouri Department of Revenue for ten years; and

Whereas, Ken Holman secured a position as Assistant Doorkeeper for the Missouri Senate in 1991 and rose to the position of Head Doorkeeper in 1998, while Bill McKenna served as the President Pro Tem of the Missouri Senate; and

Whereas, widely respected for his community involvement, Ken Holman is an active member of the Ancient Free & Accepted Masons and Shriners International; and

Whereas, Ken Holman has achieved his many successes with the love and support of an exceptional family whose members include his wife, Ann, his son, Keith Holman, his daughter, Penny Holman, and his two grandchildren:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-seventh General Assembly, join unanimously to celebrate the life accomplishments of Ken Holman, to express our most sincere gratitude for his exemplary service to the members, staff, and guests of the Missouri Senate, and to extend our very best wishes for continued health and happiness as he embarks on the next chapter in his full, rich, and eventful life; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Ken Holman as a mark of our affection and regard.

Senator Kraus offered Senate Resolution No. 17, regarding Tim Richardson, which was adopted.

Senator Kraus offered Senate Resolution No. 18, regarding Christopher J. Thibault, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 19, regarding the city of Lee’s Summit, which was adopted.

Senator Kehoe assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 126—By Sater.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to pharmacy inventories.

SB 127—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet dental benefits.

SB 128—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to electronic benefits transfer cards.

SB 129—By Sater.

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

SB 130—By Schaefer.

An Act to repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to fines for failing to yield the right-of-way, with penalty provisions.

SB 131—By Nasheed.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services.

SB 132—By Keaveny.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state funding for pre-kindergarten programs.

SB 133—By Keaveny.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state funding for pre-kindergarten programs.

SJR 10—By Nasheed.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

RESOLUTIONS

Senator Dempsey moved that **SR 9** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **SR 9** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

COMMITTEE APPOINTMENTS

President Pro Tem Dempsey submitted the following committee appointments:

Gubernatorial Appointments

Senator Schmitt

Agriculture, Food Production and Outdoor Resources

Munzlinger, Chair

Libla, Vice-Chair

Brown

Curls

McKenna

Parson

Pearce

Appropriations

Schaefer, Chair

Rupp, Vice-Chair

Brown

Curls

Kehoe

Pearce

Schaaf

Sifton

Silvey

Walsh

Commerce, Consumer Protection, Energy and the Environment

Lager, Chair

Kehoe, Vice-Chair

Kraus
Cunningham
Emery
Holsman
Keaveny
Schaefer
Wallingford
Walsh

Education

Pearce, Chair
Romine, Vice-Chair
Brown
Chappelle-Nadal
Curls
Emery
Holsman
Libla
Nieves
Rupp

Financial and Governmental Organizations and Elections

Wasson, Chair
Cunningham, Vice-Chair
Dixon
Keaveny
Kraus
LeVota
Pearce
Sater
Sifton
Wallingford

General Laws

Nieves, Chair
Schaaf, Vice-Chair
Holsman
Libla
Nasheed
Romine
Silvey

Governmental Accountability and Fiscal Oversight

Parson, Chair

Silvey, Vice-Chair

Cunningham

Kehoe

LeVota

Nasheed

Wasson

Jobs, Economic Development and Local Government

Schmitt, Chair

Dixon, Vice-Chair

Justus

Kraus

Lamping

McKenna

Nasheed

Romine

Sater

Wasson

Judiciary and Civil and Criminal Jurisprudence

Dixon, Chair

Emery, Vice-Chair

Justus

Keaveny

Schaaf

Schaefer

Schmitt

Progress and Development

Justus, Chair

Curls, Vice-Chair

Silvey

Wallingford

Walsh

Seniors, Families and Pensions

Lamping, Chair

Sater, Vice-Chair

Chappelle-Nadal

Keaveny

Kraus

Libla

Romine

Small Business, Insurance and Industry

Rupp, Chair

Parson, Vice-Chair

Curls

Munzlinger

Wallingford

Walsh

Wasson

Transportation and Infrastructure

Kehoe, Chair

Lamping, Vice-Chair

Dixon

Holsman

McKenna

Munzlinger

Wasson

Veterans' Affairs and Health

Brown, Chair

Schaaf, Vice-Chair

Chappelle-Nadal

Cunningham

Holsman

Nieves

Sater

Schmitt

Sifton

Silvey

Ways and Means

Kraus, Chair

Wallingford, Vice-Chair

Chappelle-Nadal

Emery

Lager

Lamping

LeVota

Parson

Schmitt

Sifton

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

**SENATE HEARING SCHEDULE
97th GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 10, 2013**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer) Transportation and Infrastructure SCR 1 (Kehoe)	
8:15 a.m.		Seniors, Families, and Pensions SCR 1 (Lamping)		
8:30 a.m.			Gubernatorial Appointments SL (Dempsey)	Ways and Means SCR 1 (Kraus) Veterans' Affairs and Health SL (Brown)
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:00 p.m.		Small Business, Insurance and Industry SCR 1 (Rupp) Rules, Joint Rules, Resolutions and Ethics SL (Richard)	Jobs, Economic Development and Local Government SL (Schmitt) Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
2:00 p.m.			Progress and Development SCR 2 (Justus)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Wasson)			
3:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Nieves)	Governmental Accountability and Fiscal Oversight SCR 1 (Parson) Education SL (Pearce)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Dixon)			

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

- SB 1**—Small Business, Insurance and Industry.
- SB 2**—Financial and Governmental Organizations and Elections.
- SB 3**—Education.
- SB 4**—Rules, Joint Rules, Resolutions and Ethics.
- SB 5**—Jobs, Economic Development and Local Government.
- SB 6**—Commerce, Consumer Protection, Energy and the Environment.
- SB 7**—Education.
- SB 8**—Education.
- SB 9**—Education.
- SB 10**—Jobs, Economic Development and Local Government.
- SB 11**—Ways and Means.
- SB 12**—Judiciary and Civil and Criminal Jurisprudence.
- SB 13**—Commerce, Consumer Protection, Energy and the Environment.
- SB 14**—Veterans’ Affairs and Health.
- SB 15**—Jobs, Economic Development and Local Government.
- SB 16**—Agriculture, Food Production and Outdoor Resources.
- SB 17**—Financial and Governmental Organizations and Elections.
- SB 18**—Governmental Accountability and Fiscal Oversight.
- SB 19**—Jobs, Economic Development and Local Government.
- SB 20**—Jobs, Economic Development and Local Government.
- SB 21**—Judiciary and Civil and Criminal Jurisprudence.
- SB 22**—Judiciary and Civil and Criminal Jurisprudence.
- SB 23**—Jobs, Economic Development and Local Government.
- SB 24**—Jobs, Economic Development and Local Government.
- SB 25**—Jobs, Economic Development and Local Government.
- SB 26**—Ways and Means.
- SB 27**—Financial and Governmental Organizations and Elections.
- SB 28**—Small Business, Insurance and Industry.
- SB 29**—Small Business, Insurance and Industry.

- SB 30**—Small Business, Insurance and Industry.
- SB 31**—Ways and Means.
- SB 32**—Jobs, Economic Development and Local Government.
- SB 33**—Seniors, Families and Pensions.
- SB 34**—Small Business, Insurance and Industry.
- SB 35**—Ways and Means.
- SB 36**—Judiciary and Civil and Criminal Jurisprudence.
- SB 37**—General Laws.
- SB 38**—Rules, Joint Rules, Resolutions and Ethics.
- SB 39**—Ways and Means.
- SB 40**—Small Business, Insurance and Industry.
- SB 41**—Commerce, Consumer Protection, Energy and the Environment.
- SB 42**—Ways and Means.
- SB 43**—Transportation and Infrastructure.
- SB 44**—Judiciary and Civil and Criminal Jurisprudence.
- SB 45**—Judiciary and Civil and Criminal Jurisprudence.
- SB 46**—Jobs, Economic Development and Local Government.
- SB 47**—Seniors, Families and Pensions.
- SB 48**—Seniors, Families and Pensions.
- SB 49**—Seniors, Families and Pensions.
- SB 50**—Judiciary and Civil and Criminal Jurisprudence.
- SB 51**—Transportation and Infrastructure.
- SB 52**—Judiciary and Civil and Criminal Jurisprudence.
- SB 53**—Financial and Governmental Organizations and Elections.
- SB 54**—Financial and Governmental Organizations and Elections.
- SB 55**—Financial and Governmental Organizations and Elections.
- SJR 1**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 2**—Ways and Means.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

Also, I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **SCR 1**.

Representatives: Gannon, Gatschenberger, Haahr, Haefner, Lant, Rehder, Rowden, Torpey, Walker, Burns, Butler, McCann-Beatty, McKenna, Montecillo, Pace, Rizzo, Schupp and Webb.

COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following committee, pursuant to **SCR 1**: Senators Curls, Dempsey, Holsman, Justus, Keaveny, Kehoe, LeVota, McKenna, Nasheed, Nieves, Richard, Rupp, Schaaf, Schaefer, Schmitt, Sifton, Walsh and Wasson.

RESOLUTIONS

Senator Walsh offered Senate Resolution No. 20, regarding Theodore J. “Tad” Heitzler, Florissant, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, faculty and student athletes representing Osage R-III, Fatima High School, Westphalia: Superintendent Joe Scott, Principal Chuck Woody and Assistant Principal/Athletic Director Jeff Buthod; the 2012 Volleyball State Champions: Bailey Berhorst, Brooke Berhorst, JoAnna Muenks, Angela Keilholz, Anna Bonnot, Morgan Bax, Kayla Nilges, Shelby Thoenen, Chelsea Skidmore, Jordyn Williams, Brianna Kempker, Ashlynn Harmon, Kenadi Huhn, and Coaches: Mark Bockstruck, Ed Thoenen, and Krista Verhoff; Coaches Marc Bridges, Nicole Cassmeyer, Stacy Kempker and members of the Boys Track and Field team; members of the Boys Cross Country team; and Girls Track State Champion, Lauren Allen.

Senator Dixon introduced to the Senate, Scott Scobee, Springfield.

Senator Dempsey introduced to the Senate, Ken Holman and his wife, Ann; daughter, Penny; granddaughter, Alexis Kinney; nephew, Clarence Maurice White and his wife, Donna; great-nephew, Vincent Westley; Shaqil Scott; Latrice Stringer; and Reid Millard.

On motion of Senator Richard, the Senate adjourned until 10:30 a.m., Monday, January 14, 2013.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 14, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 56-Munzlinger

SB 57-Romine

SB 58-Romine

SB 59-Rupp

SB 60-Rupp

SB 61-Keaveny

SB 62-Keaveny	SB 102-Kraus
SB 63-Schmitt	SB 103-Kraus
SB 64-Dixon	SB 104-Kraus
SB 65-Dixon	SB 105-Brown
SB 66-Dixon	SB 106-Brown
SB 67-Dixon	SB 107-Lamping
SB 68-Parson	SB 108-Kraus
SB 69-Keaveny	SB 109-Brown
SB 70-Munzlinger	SB 110-Brown
SB 71-Parson	SB 111-Emery
SB 72-Schaefer	SB 112-Rupp and Richard
SB 73-Schaefer	SB 113-Schmitt
SB 74-Richard	SB 114-Schmitt
SB 75-Brown	SB 115-Schmitt
SB 76-Brown	SB 116-Kraus
SB 77-Lamping	SB 117-Kraus
SB 78-Lamping	SB 118-Kraus
SB 79-Lamping	SB 119-Emery
SB 80-Romine	SB 120-Schmitt
SB 81-Schaefer	SB 121-Schaefer
SB 82-Schaefer	SB 122-Schaefer
SB 83-Parson	SB 123-Chappelle-Nadal
SB 84-Rupp	SB 124-Chappelle-Nadal
SB 85-McKenna	SB 125-Nasheed
SB 86-Keaveny	SB 126-Sater
SB 87-Schaaf	SB 127-Sater
SB 88-Schaaf	SB 128-Sater
SB 89-Munzlinger	SB 129-Sater
SB 90-McKenna	SB 130-Schaefer
SB 91-Justus	SB 131-Nasheed
SB 92-Justus	SB 132-Keaveny
SB 93-Justus	SB 133-Keaveny
SB 94-Justus	SJR 3-Schaefer
SB 95-Justus	SJR 4-Lamping
SB 96-Justus	SJR 5-Lamping
SB 97-Schaefer	SJR 6-Kraus
SB 98-Schaefer	SJR 7-Dixon
SB 99-Keaveny	SJR 8-Dixon
SB 100-Keaveny	SJR 9-Emery
SB 101-Wasson	SJR 10-Nasheed

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Diehl (Richard)

HCR 2-Diehl (Richard)

✓

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 14, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we gather once again to pray that You will provide us a reverent sense of Your presence that we may be at peace with the various things that confront us this week. As we enjoy the various activities which come with the responsibilities of our office may we embrace them with joy and delight. But we are also mindful of the need of Your healing presence for Senator Libla's granddaughter, Elizabeth. We pray O God, to let Your healing power flow through every cell of her body bringing her to health and wholeness once again. We ask this in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Sifton—1

Vacancies—None

The Lieutenant Governor was present.

Senator Richard moved that the Senate recess until 1:15 p.m. and the Senators repair to the South steps of the Capitol where they will meet the House of Representatives in Joint Session to witness the Inauguration of the newly elected Governor, Jay Nixon, and receive his message, which motion prevailed.

JOINT SESSION

The Senate and the House of Representatives met in Joint Assembly on the steps of the Capitol where President Pro Tem Dempsey called the Joint Assembly to order.

Governor Jay Nixon and First Lady Georganne Nixon were escorted to their places on the Inaugural Platform by the Legislative Inaugural Committees of the 97th General Assembly.

Welcome was extended by the Honorable Tom Dempsey, President Pro Tem of the Missouri Senate.

The Colors were presented by the Joint Service Color Guard.

Cathy Cartier, 2012-2013 Missouri Teacher of the Year, Affton High School, Saint Louis, lead the audience in the Pledge of Allegiance to the Flag.

Lieutenant Colonel Regina Kilmer, Missouri National Guard sang the National Anthem.

The Invocation was offered by Rabbi Amy Feder, Temple Israel, Saint Louis.

United States Senator Claire McCaskill was introduced.

Chief Justice Richard B. Teitelman, Judge Mary R. Russell, Judge Zel M. Fischer, Judge Laura Denvir Stith, Judge George W. Draper III, and Judge Paul C. Wilson, Missouri Supreme Court; Judge Rex M. Burlison, 22nd Judicial Circuit Court and Judge James F. Kanatzar, 16th Judicial Circuit Court, were introduced.

State Auditor Thomas A. Schweich was introduced.

Former Senator and Former Governor Christopher S. Bond was introduced.

Former Governor Bob Holden and Former First Lady Lori Hauser-Holden were introduced.

Judge Mary R. Russell of the Missouri Supreme Court, administered the oath of office to Attorney General Christopher A. Koster.

Judge Laura Denvir Stith of the Missouri Supreme Court, administered the oath of office to State Treasurer Clint Zweifel.

Judge James F. Kanatzar of the 16th Judicial Circuit Court, administered the oath of office to Secretary of State Jason Kander.

Judge Zel M. Fischer of the Missouri Supreme Court, administered the oath of office to Lieutenant Governor Peter D. Kinder.

The oath of office was administered to Governor Jeremiah W. (Jay) Nixon by Judge Rex M. Burlison, 22nd Judicial Circuit Court. Immediately after administration of the oath, military honors were rendered to Governor Nixon with the firing of a nineteen gun salute by the BTRY D, 1st Battalion, 129th Field Artillery Regiment (Truman's Own) Missouri Army National Guard, Independence.

Governor Nixon delivered his Inaugural Address:

Inaugural Address of Governor Jeremiah W. (Jay) Nixon

55th Governor of Missouri

January 14, 2013

Thank you, Judge Burlison. Thank you, President Pro Tem Dempsey and Speaker Jones.

Let me begin by thanking the people of Missouri for the privilege of serving a second term as your Governor. I am grateful and humbled that once again, you have given me the opportunity to lead our state forward.

I will honor the trust and confidence you have placed in me each and every day.

I'm joined today by Missouri's First Lady – my lovely wife, Georganne – our sons, Jeremiah and Will, and the rest of our family.

I'd like to welcome Missouri's former governors, our statewide office holders, members of the Missouri Supreme Court, legislators and the people of Missouri.

When I first came to the Capitol as a freshman senator from my hometown of De Soto, I was just 30 years old – the youngest person in the Senate.

I had the good fortune to serve with many thoughtful, dedicated and capable legislators on both sides of the aisle.

Then, as now, Republicans and Democrats were deeply committed to their beliefs.

Then, as now, we had a divided state government, with a governor of one party, and the other party holding a majority in the legislature.

Disagreement and debate were daily fare.

But it was possible to disagree, while continuing to advance the public good. Cooperation wasn't considered a sign of weakness, but rather a prerequisite for progress.

And progress is not partisan.

We understood that first and foremost, we were all Missourians.

So no matter which way the pendulum of power might swing, or which way the political winds blew, our bedrock Missouri values of hard work, optimism, faith and compassion never wavered.

Those steadfast values have served the people of our state well for generations, and will serve us well for generations to come.

Now, some pundits like to say that politics in the Show-Me State has never been more partisan, more difficult than it is today.

But as history tells us, that's simply not true.

One hundred and fifty years ago, Missouri was bitterly divided in the struggle for our nation's survival – and its soul.

For a time, Missouri had two state governments, two state capitals and two governors.

Two state flags fluttered above the boys in blue and gray, the sons of farmers and cobblers, tinkers and slaves. They fought and died on blood-soaked ground from the Bootheel to the Iowa border.

They rose with valor and fell with honor at Liberty and Lexington, Carthage and Wilson's Creek, Boonville and Fredericktown.

Our newest state park commemorates the Battle of Island Mound, where the first African-American troops shed their blood for the Union in 1862.

Centralia was the site of an infamous massacre, when confederate guerrillas bushwhacked more than 100 Union soldiers and hacked them to ribbons. Taking part in the killing spree were two young brothers from Clay County: 20-year-old Frank and 16-year-old Jesse James.

Twelve of Missouri's governors served in the military during the Civil War.

That's right: twelve.

And for years after the war's official end, the suffering, retaliation and political struggles dragged on – crippling our economy, testing our resolve.

That my friends? That was hard politics.

But from that time forward the arc of Missouri history shows us that even the deepest divisions can be healed.

The people of Missouri are tough and resilient.

And generation after generation, a bold vision for the future and a passion for progress spur us forward.

We pushed back the wilderness, tilled the prairie and opened the western frontier.

We built railroads and highways, founded great universities and hospitals, tamed mighty rivers and even conquered space.

In good times and bad, through hellish drought and high water, the people of Missouri have proved their mettle. And, as we've seen these past

few years, when our backs are against the wall, we come together.

When the American auto industry was on the ropes in 2009, we pulled together and got it back on its feet. More vehicles made in Missouri means thousands of jobs for hardworking folks in every corner of our state.

In a competitive and volatile global marketplace, we stepped up our game to set all-time records for exports in agriculture, biotech and defense – deals worth billions, creating prosperity at home.

When Mother Nature hit our neighbors with ice storms, floods, drought and the most devastating tornado in our history, we rallied to their side. We were there at every step – from rescue to rebuilding. And the strength and resilience of Missourians inspired the world.

History has left its indelible mark on our landscape and our character.

But history is not destiny.

We do not inherit the future. We must build the future.

A future without limits:

Where all our children get an education that prepares them to compete for the best jobs in the global economy;

Where the brightest minds in science and technology advance the frontiers of human knowledge;

Where business and the arts flourish;

Where the bounty of Missouri's farms and fields will feed, clothe and power the planet;

And where the natural beauty of our state is preserved and cherished for all time.

I am more optimistic than ever about our future.

We will put our shared principles ahead of our small differences, and work together for the common good.

The people of Missouri deserve – and expect – no less.

And that is how I intend to lead.

Throughout my quarter century of public service, I've had the opportunity to visit with thousands of Missourians from all walks of life, in every corner of this great state.

Year after year, I've met them in the halls of this historic Capitol, exercising their First Amendment rights: midwives and math teachers; farmers and firefighters; Muslims and Mennonites; soldiers and Scouts.

They may not – and in fact do not – always agree.

But they are a vivid reminder that democracy is a chorus of many voices.

And our democracy and our state are stronger for it.

On days like this one, I can look out the windows of my office and see the flags of our state and our nation, their colors bright against the winter sky, the wide Missouri River in the distance.

It's a beautiful sight.

It is a reminder of the bold pioneers who walked this land before us, who explored the wilderness, who dedicated their lives to the creation of a more perfect union, who fought and died so that we might one day enjoy peace and prosperity.

I think, too, of the bold pioneers who someday will explore new frontiers beyond our imagining.

Today, I took a solemn oath to serve all the people of Missouri, to do everything in my power to make your lives better, and to make life better for our children and grandchildren.

I pledge my oath to the waitress pulling double shifts just to feed and clothe her kids, praying that nobody gets hurt or sick – because she can't afford a doctor's bill.

I pledge my oath to the battle-weary veteran, home from Afghanistan, who deserves a job worthy of his skills and sacrifice.

I pledge my oath to the farmer who plows and plants through flood and drought, year in and year out.

Hard working, God-fearing, decent folk.

I carry them in my heart.

Their strength gives me strength.

Their courage gives me courage.

And to live a life of service to the people of Missouri is my greatest honor.

Our time here is fleeting.

But the work we do will endure.

Together we can – and we will – build a bright future for the great state of Missouri in the greatest nation on earth.

May God almighty guide us in our work.

Thank you and God bless.

The 135th Army Band, Missouri Army National Guard, Springfield, performed “America the Beautiful”.

The Benediction was pronounced by Reverend Daniel Hilty, Senior Pastor, First United Methodist Church, Jefferson City.

The Colors were retired by the Joint Service Color Guard.

The audience remained standing and Governor Nixon and Mrs. Nixon were escorted from the platform by the Legislative Inaugural Committee.

The Joint Session of the 97th General Assembly was adjourned by President Pro Tem Dempsey. The Senators returned to the Chamber, where they were called to order by President Kinder.

The Journal for Thursday, January 10, 2013 was read and approved.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 21, regarding Quentin Elliott James, Lee’s Summit, which was adopted.

Senator Dempsey offered Senate Resolution No. 22, regarding John Anthony Dosland, St. Charles, which was adopted.

Senator Parson offered Senate Resolution No. 23, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Skidmore, Buffalo, which was adopted.

Senator Cunningham offered Senate Resolution No. 24, regarding DeeEllen Maher, Eldon, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 134—By Sater.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 135—By Sater.

An Act to repeal sections 116.025, 116.160, and 116.334, RSMo, and to enact in lieu thereof four new sections relating to ballot language.

SB 136—By Sater.

An Act to repeal sections 136.055, 301.130, 301.3142, 301.3150, 301.3154, 307.350, 307.353, 307.355, and 643.315, RSMo, section 301.147 as enacted by conference committee substitute for house committee substitute for senate substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, section 301.147 as enacted by senate bill no. 54, ninety-second regular session, first regular session, and to enact in lieu thereof ten new sections relating to the registration of motor vehicles, with an effective date.

SB 137—By Sater.

An Act to repeal section 50.622, RSMo, and to enact in lieu thereof one new section relating to procedures for counties to decrease their budgets.

SB 138—By Kraus.

An Act to repeal sections 67.463 and 67.469, RSMo, and to enact in lieu thereof two new sections relating to neighborhood improvement district special assessments.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Donna L. Birks to the Missouri Commission on Human Rights, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending April 1, 2018, and until her successor is duly appointed and qualified; vice,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of David L. Bonner to the Truman State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending January 1, 2019, and until his successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lloyd Joseph Carmichael to the Missouri State University Board of Governors, submitted to you on January 9, 2013. Line 2 should be amended to read:

Missouri 65809, as a member of the Missouri State University Board of Governors, for a

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Carrie Carroll to the Missouri State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending January 1, 2015, and until her successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Collin L. Follis to the State Board of Embalmers and Funeral Directors, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending April 1, 2017, and until his successor is duly appointed and qualified; vice,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lisa A. Green to the Missouri State Board of Nursing, submitted to you on

January 9, 2013. Paragraph 1 should be amended to read:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Michael J. LaBeth to the Truman State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

term ending January 1, 2019, and until his successor is duly appointed and

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Carolyn R. Mahoney to the Coordinating Board for Higher Education, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending June 27, 2018, and until her successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Gregory D. Mason to the Missouri Western State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

Governors, for a term ending October 29, 2018, and until his successor is duly

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Dushyanthi A. Mullegama to the State Committee for Social Workers, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending October 23, 2014, and until her successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Nathan D. Preston to the Advisory Committee for 911 Service Oversight, submitted to you on January 9, 2013. Lines 3 and 4 should be amended to read:

2016, and until his successor is duly appointed and qualified; vice, Peggy D. (Loman) Hulett, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Alfred Purcell to the Missouri Western State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

Governors, for a term ending October 29, 2018, and until his successor is duly

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lori Rasmussen to the Missouri State Board of Chiropractic Examiners, submitted to you on January 9, 2013. Lines 2 and 3 should be amended to read:

as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2014, and until her successor is duly appointed and qualified; vice, Paul

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of John W. Richmond to the Northwest Missouri State University Board of Regents, submitted to you on January 9, 2013. Line 3 should be amended to read:

term ending January 1, 2019, and until his successor is duly appointed and

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Don T. Ruzicka to the Board of Probation and Parole, submitted to you on January 9, 2013. Lines 3 and 4 should be amended to read:

December 20, 2018, and until his successor is duly appointed and qualified; vice, RSMo 217.665.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above addendums to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 11, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senators John Lamping and Joe Keaveny to the following board:

- Missouri State Employees' Retirement System (MOSERS)

Please feel free to contact me should you have any questions.

Sincerely,

/s/ Tom Dempsey

Tom Dempsey

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Walsh introduced to the Senate, Mary Lou Elfen, Paduka, Kentucky; Jane White, Nancy Wiess, Sally Whalbrink and Judge Mary Elizabeth Dorsey, St. Louis County.

The President introduced to the Senate, his brother, Lt. Col. Mark H. Kinder, United States Air Force, his wife, Barbara and their son Hunter; and his nieces Molly and Mia Kinder, Cape Girardeau; and Dawn Schaeffer, Springfield.

Senator Cunningham introduced to the Senate, Bob Pollard, Willow Springs.

Senator Emery introduced to the Senate, his wife, Rebecca and their son, Paul, Lamar; his mother,

Helen, Nevada; his sister, Leesa Drury and her daughters, Caroline and Molly, Minnesota; Susan Cass and Gail Alston, Cass County; Nancy Malsack, Chicago, Illinois; and Jeff Mullen and his daughter, Mikala, Windsor.

Senator Pearce introduced to the Senate, Liz Uptegrove and Taylor Elwell, Leeton.

Senator Silvey introduced to the Senate, his wife, Angela and their daughters, Taylor and Kally, Kansas City; and Taylor and Kally were made honorary pages.

Senator Lager introduced to the Senate, his parents, Ron and Maureen; his daughter, Addison; and his sister, Ashley and her friend, Dan, Maryville; and niece, Sabryan Lager.

Senator Rupp introduced to the Senate, his brother-in-law, Aaron Schaper and his wife, Shannon, Wentzville.

Senator Kraus introduced to the Senate, Roger Davenport, Lee's Summit.

Senator Brown introduced to the Senate, his wife, Kathy, and his daughter, Danette Sherrill and her husband, Brad, Rolla.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 15, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 56-Munzlinger
SB 57-Romine
SB 58-Romine
SB 59-Rupp
SB 60-Rupp
SB 61-Keaveny
SB 62-Keaveny
SB 63-Schmitt
SB 64-Dixon
SB 65-Dixon
SB 66-Dixon
SB 67-Dixon
SB 68-Parson
SB 69-Keaveny
SB 70-Munzlinger

SB 71-Parson
SB 72-Schaefer
SB 73-Schaefer
SB 74-Richard
SB 75-Brown
SB 76-Brown
SB 77-Lamping
SB 78-Lamping
SB 79-Lamping
SB 80-Romine
SB 81-Schaefer
SB 82-Schaefer
SB 83-Parson
SB 84-Rupp
SB 85-McKenna

SB 86-Keaveny	SB 117-Kraus
SB 87-Schaaf	SB 118-Kraus
SB 88-Schaaf	SB 119-Emery
SB 89-Munzlinger	SB 120-Schmitt
SB 90-McKenna	SB 121-Schaefer
SB 91-Justus	SB 122-Schaefer
SB 92-Justus	SB 123-Chappelle-Nadal
SB 93-Justus	SB 124-Chappelle-Nadal
SB 94-Justus	SB 125-Nasheed
SB 95-Justus	SB 126-Sater
SB 96-Justus	SB 127-Sater
SB 97-Schaefer	SB 128-Sater
SB 98-Schaefer	SB 129-Sater
SB 99-Keaveny	SB 130-Schaefer
SB 100-Keaveny	SB 131-Nasheed
SB 101-Wasson	SB 132-Keaveny
SB 102-Kraus	SB 133-Keaveny
SB 103-Kraus	SB 134-Sater
SB 104-Kraus	SB 135-Sater
SB 105-Brown	SB 136-Sater
SB 106-Brown	SB 137-Sater
SB 107-Lamping	SB 138-Kraus
SB 108-Kraus	SJR 3-Schaefer
SB 109-Brown	SJR 4-Lamping
SB 110-Brown	SJR 5-Lamping
SB 111-Emery	SJR 6-Kraus
SB 112-Rupp and Richard	SJR 7-Dixon
SB 113-Schmitt	SJR 8-Dixon
SB 114-Schmitt	SJR 9-Emery
SB 115-Schmitt	SJR 10-Nasheed
SB 116-Kraus	

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Diehl (Richard)

HCR 2-Diehl (Richard)

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Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 15, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The man who makes no mistakes does not usually make anything.” (Edward John Phelps)

Heavenly Father, we recognize that much is expected of us and in our work we will make mistakes, probably many times before we are successful. So we thank You that You are available to us and with us each day to help and guide us through the maze of demands and bills that come before us that what we decide is in keeping with Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from The St. Louis American were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 25, regarding James Glenn “James” Wade, Columbia, which was adopted.

Senator Richard offered Senate Resolution No. 26, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Julius Rosewicz, Joplin, which was adopted.

Senator Brown offered Senate Resolution No. 27, regarding Nate Potrafka, Rolla, which was adopted.

Senator Schaefer offered Senate Resolution No. 28, regarding Tyler James Brush, Columbia, which was adopted.

Senator Schaaf offered Senate Resolution No. 29, regarding Collins Alan Beatty, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 30, regarding Chase Beeler, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 31, regarding James Allen Bibens, Platte Woods, which was adopted.

Senator Schaaf offered Senate Resolution No. 32, regarding Jackson A. Carrizzo, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 33, regarding Connor James Derry, Weatherby Lake, which was adopted.

Senator Schaaf offered Senate Resolution No. 34, regarding Spencer Granger, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 35, regarding Benjamin Jackson Matt, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 36, regarding Nathan Stahl, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 37, regarding Tyler Wheeler, Parkville, which was adopted.

CONCURRENT RESOLUTIONS

Senator Richard moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Richard, **HCR 1** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None**Absent—Senators**

Curls	Nasheed	Nieves—3
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Absent with leave—Senators—None

Vacancies—None

Senator Richard moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Richard, **HCR 2** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Curls Nieves—2

Absent with leave—Senators—None

Vacancies—None

Senator Pearce assumed the Chair.

COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following escort committee pursuant to **HCR 1**: Senators Curls, Dempsey, Justus, Keaveny, Kehoe, McKenna, Nieves, Richard, Walsh and Wasson.

President Pro Tem Dempsey appointed the following escort committee pursuant to **HCR 2**: Senators Curls, Dixon, Emery, Justus, Keaveny, McKenna, Schaaf, Schaefer, Schmitt and Sifton.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 139—By Kehoe.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the closure of certain public records, meetings, and votes, with an emergency clause.

SB 140—By Brown.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to water quality standards for Missouri beaches.

SB 141—By Dempsey.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to the distribution of revenues collected from traffic violations.

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, Martha Cameron and students Victoria Stroup, Lea Gardiner,

Sarah Keller, Calvin Evans, Ryan Malone, Abbey Ehrenreich, Matt Latham and Shawn Thomas, St. James High School.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY—WEDNESDAY, JANUARY 16, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 56-Munzlinger	SB 85-McKenna
SB 57-Romine	SB 86-Keaveny
SB 58-Romine	SB 87-Schaaf
SB 59-Rupp	SB 88-Schaaf
SB 60-Rupp	SB 89-Munzlinger
SB 61-Keaveny	SB 90-McKenna
SB 62-Keaveny	SB 91-Justus
SB 63-Schmitt	SB 92-Justus
SB 64-Dixon	SB 93-Justus
SB 65-Dixon	SB 94-Justus
SB 66-Dixon	SB 95-Justus
SB 67-Dixon	SB 96-Justus
SB 68-Parson	SB 97-Schaefer
SB 69-Keaveny	SB 98-Schaefer
SB 70-Munzlinger	SB 99-Keaveny
SB 71-Parson	SB 100-Keaveny
SB 72-Schaefer	SB 101-Wasson
SB 73-Schaefer	SB 102-Kraus
SB 74-Richard	SB 103-Kraus
SB 75-Brown	SB 104-Kraus
SB 76-Brown	SB 105-Brown
SB 77-Lamping	SB 106-Brown
SB 78-Lamping	SB 107-Lamping
SB 79-Lamping	SB 108-Kraus
SB 80-Romine	SB 109-Brown
SB 81-Schaefer	SB 110-Brown
SB 82-Schaefer	SB 111-Emery
SB 83-Parson	SB 112-Rupp and Richard
SB 84-Rupp	SB 113-Schmitt

SB 114-Schmitt	SB 132-Keaveny
SB 115-Schmitt	SB 133-Keaveny
SB 116-Kraus	SB 134-Sater
SB 117-Kraus	SB 135-Sater
SB 118-Kraus	SB 136-Sater
SB 119-Emery	SB 137-Sater
SB 120-Schmitt	SB 138-Kraus
SB 121-Schaefer	SB 139-Kehoe
SB 122-Schaefer	SB 140-Brown
SB 123-Chappelle-Nadal	SB 141-Dempsey
SB 124-Chappelle-Nadal	SJR 3-Schaefer
SB 125-Nasheed	SJR 4-Lamping
SB 126-Sater	SJR 5-Lamping
SB 127-Sater	SJR 6-Kraus
SB 128-Sater	SJR 7-Dixon
SB 129-Sater	SJR 8-Dixon
SB 130-Schaefer	SJR 9-Emery
SB 131-Nasheed	SJR 10-Nasheed

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Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 16, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk in wisdom towards them that are without...let your speech be always with grace.” (Colossians 4:5-6)

Almighty God, help us do our best at all times, to behave as You would have Your children “walk in wisdom”. Help us that we might use our intelligence wisely, at every opportunity to effectively help those who are hurting and provide direction for those who are lost. May our daily behavior express warm hearts, kindly voices and an open hand for those in need and may our speech be endowed with grace for others to see and know You through us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 38, regarding the late Senator J. Bernard “Jet” Banks, which was adopted.

Senator Dempsey offered Senate Resolution No. 39, regarding Keith Schneider, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 40, regarding Denice McKeown, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 41, regarding Jerry E. Scheidegger, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 42, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Andrew Schneider, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 43, regarding Joan Koechig, St. Charles, which was adopted.

Senator Sifton offered Senate Resolution No. 44, regarding Timothy Weinmann, Arnold, which was adopted.

Senator Sifton offered Senate Resolution No. 45, regarding Larry R. and Pamela M. Knox, Affton, which was adopted.

Senator Sifton offered Senate Resolution No. 46, regarding the Fortieth Anniversary of Webster Child Care Center, Webster Groves, which was adopted.

Senator Sifton offered Senate Resolution No. 47, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Michael Dalton, St. Louis, which was adopted.

Senator Sater offered Senate Resolution No. 48, regarding Jaden Blaze Pankratz, which was adopted.

Senator LeVota offered Senate Resolution No. 49, regarding Stan Shurmantine, Independence, which was adopted.

Senator Richard offered Senate Resolution No. 50, regarding Andy Thomas, Carthage, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 51, regarding Reverend Everett R. Thomas, Sr., Northwoods, which was adopted.

Senators Silvey and Schaaf offered Senate Resolution No. 52, regarding Spencer D. Fields, which was adopted.

CONCURRENT RESOLUTIONS

Senator Richard offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, the State of Missouri has a rich and complex history; and

WHEREAS, the lives of Missourians are enriched by a broad and deep understanding of that history; and

WHEREAS, the State of Missouri was formally admitted into the Union of the United States of America on August 10, 1821; and

WHEREAS, the year 2021 marks the bicentennial of the State of Missouri’s admission into the Union; and

WHEREAS, commemorative events drawing attention to the passage of historical milestones offer significant opportunities for generating interest in documenting and celebrating the exceptionalism of a state's history; and

WHEREAS, the Missouri General Assembly by statute (Chapter 183) authorized the State Historical Society of Missouri to act as a "trustee" of the state's history; and

WHEREAS, the State Historical Society of Missouri is responsible for collecting, preserving, and sharing the materials for the study of the history of Missouri and the heritage of Missourians; and

WHEREAS, since its creation in 1898, the State Historical Society of Missouri has become the premier institution for the study and celebration of Missouri state and local history and aspires to build the Center for Missouri Studies; and

WHEREAS, statewide commemorations require significant preparation and planning over multiple years:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby direct the State Historical Society of Missouri to develop plans, ideas, and proposals to commemorate and celebrate the State of Missouri's bicentennial; and

BE IT FURTHER RESOLVED that the State Historical Society of Missouri ready itself to provide guidance and direction to a statewide effort to promote and celebrate the State of Missouri's rich and complex history through and beyond a bicentennial celebration in the year 2021; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the director of the State Historical Society of Missouri.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 142—By Sifton.

An Act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

SB 143—By Walsh.

An Act to repeal sections 352.070, 352.090, and 355.020, RSMo, and to enact in lieu thereof three new sections relating to religious and charitable associations.

SB 144—By Walsh.

An Act to repeal section 575.021, RSMo, and to enact in lieu thereof one new section relating to obstruction of an ethics investigation, with existing penalty provisions.

SB 145—By Walsh.

An Act to repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections relating to voting in advance of an election.

SB 146—By Schaaf.

An Act to amend chapter 195, RSMo, by adding thereto nine new sections relating to a prescription drug monitoring program, with penalty provisions and a referendum clause.

SB 147—By Wasson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

SB 148—By Wasson.

An Act to repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of salvage certificate of titles or junking certificates to insurance companies.

SB 149—By Keaveny.

An Act to repeal sections 578.600, 578.602, 578.604, 578.606, 578.610, 578.612, 578.614, 578.620, and 578.622, RSMo, and to enact in lieu thereof twenty-seven new sections relating to possession of exotic animals, with penalty provisions.

SB 150—By Munzlinger, Brown, Libla, Romine, Sater, Emery, Wasson, Cunningham, Dixon and Kraus.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to certain federal laws regarding firearms, with a penalty provision and an emergency clause.

SB 151—By Curls.

An Act to repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to foreclosure notice to tenants.

SB 152—By Curls.

An Act to repeal section 211.073, RSMo, and to enact in lieu thereof one new section relating to sentences under dual jurisdiction.

SB 153—By Curls.

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof one new section relating to child support.

SB 154—By Richard.

An Act to repeal section 379.140, RSMo, and to enact in lieu thereof one new section relating to insurance payments for covered loss or damage.

SB 155—By Nasheed.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the labeling of genetically modified food, with a penalty provision.

SB 156—By Sater.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the implementation of the Patient Protection and Affordable Care Act.

SB 157—By Sater.

An Act to repeal sections 407.300 and 407.303, RSMo, and to enact in lieu thereof two new sections relating to scrap metal, with existing penalty provisions.

SB 158—By Sater.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to enabling health insurers authorized to sell health insurance coverage in selected states to engage in the business of health insurance in Missouri.

SB 159—By Schmitt, Schaefer and Walsh.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

SJR 11—By Curls.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the budget reserve fund.

SJR 12—By Sater.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 40(a)

of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation commission.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 15, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Alana M. Barragan-Scott to the Administrative Hearing Commission, submitted to you on January 9, 2013. Lines 3 and 4 should be amended to read:

December 12, 2018, and until her successor is duly appointed and qualified; vice, Joseph Bindbeutel, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 15, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Patrick B. Harr to the Northwest Missouri State University Board of Regents, submitted to you on January 9, 2013. Lines 1, 2 and 3 should be amended to read:

Patrick B. Harr, Republican, 9A Faustiana Place, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2019, and until his successor is duly appointed and

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above addendums to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Student Representative to the University of Missouri Board of Curators, Amy Johnson and her father, David, Kansas City.

Senator Schmitt introduced to the Senate, Christine Jacobs, M.D., Sean Ragain, M.D., Ginger Fewell, M.D., and Megan Stock, M.D., representatives of Saint Louis University Family Medicine.

Senator Schmitt introduced to the Senate, the Physician of the Day, Dr. John Hagen, Ballwin.

On behalf of Senator Wallingford and himself, the President introduced to the Senate, Madison County Commissioner, Bob Mooney, Fredericktown.

Senator Rupp introduced to the Senate, his parents, Chester and Eleanor, St. Charles.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 17, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 56-Munzlinger	SB 86-Keaveny
SB 57-Romine	SB 87-Schaaf
SB 58-Romine	SB 88-Schaaf
SB 59-Rupp	SB 89-Munzlinger
SB 60-Rupp	SB 90-McKenna
SB 61-Keaveny	SB 91-Justus
SB 62-Keaveny	SB 92-Justus
SB 63-Schmitt	SB 93-Justus
SB 64-Dixon	SB 94-Justus
SB 65-Dixon	SB 95-Justus
SB 66-Dixon	SB 96-Justus
SB 67-Dixon	SB 97-Schaefer
SB 68-Parson	SB 98-Schaefer
SB 69-Keaveny	SB 99-Keaveny
SB 70-Munzlinger	SB 100-Keaveny
SB 71-Parson	SB 101-Wasson
SB 72-Schaefer	SB 102-Kraus
SB 73-Schaefer	SB 103-Kraus
SB 74-Richard	SB 104-Kraus
SB 75-Brown	SB 105-Brown
SB 76-Brown	SB 106-Brown
SB 77-Lamping	SB 107-Lamping
SB 78-Lamping	SB 108-Kraus
SB 79-Lamping	SB 109-Brown
SB 80-Romine	SB 110-Brown
SB 81-Schaefer	SB 111-Emery
SB 82-Schaefer	SB 112-Rupp and Richard
SB 83-Parson	SB 113-Schmitt
SB 84-Rupp	SB 114-Schmitt
SB 85-McKenna	SB 115-Schmitt

SB 116-Kraus	SB 143-Walsh
SB 117-Kraus	SB 144-Walsh
SB 118-Kraus	SB 145-Walsh
SB 119-Emery	SB 146-Schaaf
SB 120-Schmitt	SB 147-Wasson
SB 121-Schaefer	SB 148-Wasson
SB 122-Schaefer	SB 149-Keaveny
SB 123-Chappelle-Nadal	SB 150-Munzlinger, et al
SB 124-Chappelle-Nadal	SB 151-Curls
SB 125-Nasheed	SB 152-Curls
SB 126-Sater	SB 153-Curls
SB 127-Sater	SB 154-Richard
SB 128-Sater	SB 155-Nasheed
SB 129-Sater	SB 156-Sater
SB 130-Schaefer	SB 157-Sater
SB 131-Nasheed	SB 158-Sater
SB 132-Keaveny	SB 159-Schmitt, et al
SB 133-Keaveny	SJR 3-Schaefer
SB 134-Sater	SJR 4-Lamping
SB 135-Sater	SJR 5-Lamping
SB 136-Sater	SJR 6-Kraus
SB 137-Sater	SJR 7-Dixon
SB 138-Kraus	SJR 8-Dixon
SB 139-Kehoe	SJR 9-Emery
SB 140-Brown	SJR 10-Nasheed
SB 141-Dempsey	SJR 11-Curls
SB 142-Sifton	SJR 12-Sater

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 2-Richard

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Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 17, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord...Thou art my God. My times are in thy hand.” (Psalm 31: 17-18)

Wondrous God, You have given us the gift of time so teach us to use it wisely. And as we look at the months ahead help us to set aside a generous portion of each week for our families, our deeds of service and especially time with You our God. Teach us to budget each day so that it may be used efficiently and be fruitful and to this end live life as You desire it for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Justus—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 53, regarding the 2012 Kansas City Mixed Martial Arts

Fighter of the Year, Danny Klick, which was adopted.

Senator Munzlinger offered Senate Resolution No. 54, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Grover A. Gamm, Ewing, which was adopted.

Senator Holsman offered Senate Resolution No. 55, regarding Odell Eugene Bynum, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 56, regarding Nicholas Paul “Nick” Cianciolo, Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 57, regarding Brendan Guy Beebe, Kansas City, which was adopted.

Senator Richard offered Senate Resolution No. 58, regarding Anum Ahmed, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 59, regarding Taylor Vaughn, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 60, regarding Libby Shannon, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 61, regarding Elizabeth Burken, Carthage, which was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 62

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2013, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, hereby grant the adult leaders and participants of the Seventy-second Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of conducting a mock legislative session on Wednesday, June 26, 2013, from 9:00 a.m. to 12:30 p.m.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 62** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 62** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 63

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of

the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-seventh General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, September 28, 2013 for the purpose of a citizens assembly and workshops.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 63** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 63** was adopted.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 64

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 44 be amended to read as follows:

“Rule 44. Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office by seniority of the member first signing the measure, with a limit of three bills or joint resolutions per rotation of the seniority list from the total number of measures deposited. All measures deposited through December first shall stand as pre-filed without further action by the member or member-elect. At the close of business on each day thereafter until the opening day of the session, bills and joint resolutions received during the day shall be assigned numbers in the [same manner, that is, by seniority from the total number of measures filed each day, with a limit of three bills or joint resolutions per rotation of the seniority list] **order in which the bill or joint resolution is filed with the secretary.**

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

Seniority for the purposes of this rule shall be determined as follows:

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.”.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 65

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 82 be amended to read as follows:

“Rule 82. If the question in debate contains several points, any senator may have it divided if it comprehends propositions in substance so distinct that by one being taken away a substantive proposition remains for the decision of the senate. On motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of the motion to strike out and insert a different proposition shall not prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. **If the question in debate is a bill or a substitute thereof, a request to divide the bill or substitute shall not be in order.**”.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 66

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 80 be amended to

read as follows:

“Rule 80. No senator shall speak more than once on the same question without leave of the senate, unless he or she is the mover, proposer or introducer of the matter pending, in which case he or she shall be permitted to speak or reply, but not until every senator choosing to speak has spoken. After a senator has been recognized to close, no other senator is permitted to speak on the pending matter, except that in the case of a proposed amendment to a bill or resolution, the proponent of the amendment and the author of the bill or resolution to be amended may be interrogated, but, in the case of a bill or resolution, only the author of the bill or resolution may be interrogated. **If a senator fails to exercise his or her right to close, the motion and subject matter of said motion before the body are deemed to be withdrawn.**”

Senator Lager assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 160—By Pearce.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the treatment of eating disorders.

SB 161—By Pearce.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to an actuarial analysis to study the cost impact of mandating health insurance coverage for eating disorders.

SB 162—By Keaveny.

An Act to repeal sections 547.035, 547.037, 590.700, and 650.056, RSMo, and to enact in lieu thereof nine new sections relating to criminal procedure.

SB 163—By Kraus.

An Act to repeal sections 135.090, 135.155, 135.313, 135.327, 135.350, 135.352, 135.484, 135.535, 135.562, 135.630, 135.647, 135.679, 135.700, 135.750, 135.800, 135.967, 135.1150, 135.1180, 137.1018, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, RSMo, and to enact in lieu thereof twenty-six new sections relating to tax credits, with an emergency clause for certain sections.

SB 164—By Walsh.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection, with penalty provisions.

SB 165—By Walsh.

An Act to amend chapter 389, RSMo, by adding thereto twelve new sections relating to regulation of contract carriers that transport railroad employees, with penalty provisions and an emergency clause.

SB 166—By Schaaf.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to nonresident entertainer income taxes.

SB 167—By Sater and Wallingford.

An Act to repeal sections 195.070, 195.100, 208.152, 334.104, 335.016, 335.019, 335.046, 335.056, 335.066, 335.076, 335.086, and 338.198, RSMo, and to enact in lieu thereof twelve new sections relating

to nursing scope of practice.

SB 168—By Chappelle-Nadal.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the use of student assessment data.

SB 169—By Chappelle-Nadal.

An Act to repeal section 164.151, RSMo, and to enact in lieu thereof two new sections relating to school district bond issuances, with an emergency clause.

SB 170—By Chappelle-Nadal.

An Act to repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to participation by members of public governmental bodies in roll call votes.

SB 171—By Chappelle-Nadal.

An Act to repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to charter school sponsors.

SB 172—By Chappelle-Nadal.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to workforce development.

SB 173—By Nasheed.

An Act to repeal sections 162.621 and 162.1100, RSMo, and to enact in lieu thereof two new sections relating to the board of education of the metropolitan school district.

SB 174—By Parson.

An Act to repeal sections 144.010, 144.030, and 144.605, RSMo, and to enact in lieu thereof three new sections relating to the determination of what are business activities within this state.

SB 175—By Wallingford.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to administration of abortion-inducing drugs.

SJR 13—By Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30(a), 30(b), 31, 32(a), 32(b), 32(c), and 33 of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the city and county of St. Louis.

SJR 14—By Schaefer, Munzlinger and Kehoe.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right of Missouri citizens to keep and bear arms.

REFERRALS

President Pro Tem Dempsey referred **SCR 2** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 56—Agriculture, Food Production and Outdoor Resources.

SB 57—Agriculture, Food Production and Outdoor Resources.

SB 58—Financial and Governmental Organizations and Elections.

SB 59—Small Business, Insurance and Industry.

SB 60—Small Business, Insurance and Industry.

SB 61—Governmental Accountability and Fiscal Oversight.

SB 62—Transportation and Infrastructure.

SB 63—Jobs, Economic Development and Local Government.

SB 64—Judiciary and Civil and Criminal Jurisprudence.

SB 65—Financial and Governmental Organizations and Elections.

SB 66—Governmental Accountability and Fiscal Oversight.

SB 67—Education.

SB 68—Small Business, Insurance and Industry.

SB 69—Seniors, Families and Pensions.

SB 70—Rules, Joint Rules, Resolutions and Ethics.

SB 71—Governmental Accountability and Fiscal Oversight.

SB 72—General Laws.

SB 73—Transportation and Infrastructure.

SB 74—Jobs, Economic Development and Local Government.

SB 75—General Laws.

SB 76—Small Business, Insurance and Industry.

SB 77—Seniors, Families and Pensions.

SB 78—Rules, Joint Rules, Resolutions and Ethics.

SB 79—Financial and Governmental Organizations and Elections.

SB 80—Financial and Governmental Organizations and Elections.

SB 81—Judiciary and Civil and Criminal Jurisprudence.

SB 82—Financial and Governmental Organizations and Elections.

SB 83—Jobs, Economic Development and Local Government.

SB 84—Judiciary and Civil and Criminal Jurisprudence.

SB 85—Commerce, Consumer Protection, Energy and the Environment.

SB 86—Seniors, Families and Pensions.

SB 87—Veterans' Affairs and Health.

SB 88—Veterans' Affairs and Health.

SB 89—Seniors, Families and Pensions.

SB 90—Jobs, Economic Development and Local Government.

SB 91—Jobs, Economic Development and Local Government.

SB 92—Rules, Joint Rules, Resolutions and Ethics.

SB 93—Jobs, Economic Development and Local Government.

SB 94—Financial and Governmental Organizations and Elections.

SB 95—Education.

SB 96—Judiciary and Civil and Criminal Jurisprudence.

SB 97—General Laws.

SB 98—Agriculture, Food Production and Outdoor Resources.

SB 99—Jobs, Economic Development and Local Government.

SB 100—Veterans' Affairs and Health.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 16, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Gary Romine to the Joint Committee on Education to replace Senator Jane Cunningham.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 16, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing the following senators to the Joint Committee on Administrative Rules (JCAR):

- Senator Bob Dixon
- Senator Wayne Wallingford

Please feel free to contact me should you have any questions.

Sincerely,
 /s/ Tom Dempsey
 Tom Dempsey
 President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Drew Mreen, Kansas City.

The President introduced to the Senate, Sandy Patel, Marshall; and Brian Buntin, St. Charles.

Senator Keaveny introduced to the Senate, Carla Mash-Duncan and thirty-seven fourth grade students from New City School, St. Louis.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Tuesday, January 22, 2013.

SENATE CALENDAR

SEVENTH DAY—TUESDAY, JANUARY 22, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Wasson	SB 118-Kraus
SB 102-Kraus	SB 119-Emery
SB 103-Kraus	SB 120-Schmitt
SB 104-Kraus	SB 121-Schaefer
SB 105-Brown	SB 122-Schaefer
SB 106-Brown	SB 123-Chappelle-Nadal
SB 107-Lamping	SB 124-Chappelle-Nadal
SB 108-Kraus	SB 125-Nasheed
SB 109-Brown	SB 126-Sater
SB 110-Brown	SB 127-Sater
SB 111-Emery	SB 128-Sater
SB 112-Rupp and Richard	SB 129-Sater
SB 113-Schmitt	SB 130-Schaefer
SB 114-Schmitt	SB 131-Nasheed
SB 115-Schmitt	SB 132-Keaveny
SB 116-Kraus	SB 133-Keaveny
SB 117-Kraus	SB 134-Sater

SB 135-Sater	SB 162-Keaveny
SB 136-Sater	SB 163-Kraus
SB 137-Sater	SB 164-Walsh
SB 138-Kraus	SB 165-Walsh
SB 139-Kehoe	SB 166-Schaaf
SB 140-Brown	SB 167-Sater and Wallingford
SB 141-Dempsey	SB 168-Chappelle-Nadal
SB 142-Sifton	SB 169-Chappelle-Nadal
SB 143-Walsh	SB 170-Chappelle-Nadal
SB 144-Walsh	SB 171-Chappelle-Nadal
SB 145-Walsh	SB 172-Chappelle-Nadal
SB 146-Schaaf	SB 173-Nasheed
SB 147-Wasson	SB 174-Parson
SB 148-Wasson	SB 175-Wallingford
SB 149-Keaveny	SJR 3-Schaefer
SB 150-Munzlinger, et al	SJR 4-Lamping
SB 151-Curls	SJR 5-Lamping
SB 152-Curls	SJR 6-Kraus
SB 153-Curls	SJR 7-Dixon
SB 154-Richard	SJR 8-Dixon
SB 155-Nasheed	SJR 9-Emery
SB 156-Sater	SJR 10-Nasheed
SB 157-Sater	SJR 11-Curls
SB 158-Sater	SJR 12-Sater
SB 159-Schmitt, et al	SJR 13-Chappelle-Nadal
SB 160-Pearce	SJR 14-Schaefer, et al
SB 161-Pearce	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 64-Dempsey	SR 66-Dempsey
SR 65-Dempsey	

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 22, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have taught you the way of wisdom. I have led you in the paths of uprightness. When you walk your step will not be hampered and if you run you will not stumble.” (Proverbs 4:11-12)

Gracious God, we remember Your servant, Martin Luther King, who walked in the path You led him to take to teach us to love one another and not let race or color or labels get in the way of doing what is right. Help each of us to continue along this path so our work here may help and direct all men and women to the path of righteousness and courage. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 17, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of former St. Louis Cardinal and Hall of Famer Stanley Frank “Stan the Man” Musial.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 67, regarding the Springfield chapter of the National Association for the Advancement of Colored People (NAACP), which was adopted.

Senator Kehoe offered Senate Resolution No. 68, regarding the late Oscar Darnell Dunbar, Jefferson City, which was adopted.

Senator Dempsey offered Senate Resolution No. 69, regarding Larry Jacobs, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 70, regarding the Fiftieth Anniversary of the University of Missouri-St. Louis, which was adopted.

Senator Holsman offered Senate Resolution No. 71, regarding Henry R. Bloch, Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 72, regarding Pat Jordan, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 73, regarding Lynda Johnson, Lexington, which was adopted.

Senator Munzlinger offered Senate Resolution No. 74, regarding Mark Twain Cave, Incorporated, Hannibal, which was adopted.

Senator Holsman offered Senate Resolution No. 75, regarding Hufft Projects, LLC, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 76, regarding Prier Products, Inc., Grandview, which was adopted.

Senator Munzlinger offered Senate Resolution No. 77, regarding Silverlight Marketing Group, LLC, Moberly, which was adopted.

Senators Parson and LeVota offered Senate Resolution No. 78, regarding the late Herbert Eldon Zucca, Independence, which was adopted.

Senator Sater offered Senate Resolution No. 79, regarding Orlin Browning, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 80, regarding Hal VanDaGriff, Verona, which was adopted.

Senator Nasheed offered Senate Resolution No. 81, regarding Habitata Building Products, LLC, St. Louis, which was adopted.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 82

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-third District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 25, be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 7 members.
3. Committee on Appropriations, [10] **11** members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 10 members.
5. Committee on Education, 10 members.
6. Committee on Financial and Governmental Organizations and Elections, 10 members.
7. Committee on General Laws, 7 members.
8. Committee on Governmental Accountability and Fiscal Oversight, 7 members.
9. Committee on Gubernatorial Appointments, 10 members.
10. Committee on Jobs, Economic Development and Local Government, 10 members.
11. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
12. Committee on Progress and Development, 5 members.
13. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
14. Committee on Seniors, Families and Pensions, 7 members.
15. Committee on Small Business, Insurance and Industry, 7 members.
16. Committee on Transportation and Infrastructure, 7 members.
17. Committee on Veterans' Affairs and Health, 10 members.
18. Committee on Ways and Means, 10 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Senator Pearce offered Senate Resolution No. 83, regarding Tristan Wendel, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 84, regarding Linda Ording, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 85, regarding Billie Winter, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 86, regarding Butterfield Youth Services, Marshall, which was adopted.

CONCURRENT RESOLUTIONS

Senator Walsh offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to recognition of September 26th as Mesothelioma Awareness Day
in Missouri

WHEREAS, mesothelioma is a rare form of cancer of the smooth lining of the chest, lungs, heart, and abdomen that is difficult to detect in its early stages and may be associated with many other conditions; however, when vital organs are involved or disease is identified outside of the operative field, surgery is no longer an option and patients are referred to chemotherapy or clinical trials; and

WHEREAS, approximately 2,500 to 3,000 cases of mesothelioma are reported annually in the United States, and because it occurs in such a small number of patients, mesothelioma is often referred to as an orphan disease, but the number of affected persons is steadily rising every year in North America, Europe, Australia, and Asia; and

WHEREAS, according to the American Cancer Society, mesothelioma is caused by exposure to asbestos fibers and characterized by a latency period that usually lasts for decades, although the exact method by which asbestos causes the disease is not known; and

WHEREAS, the American Cancer Society indicates that “most people who develop mesothelioma have worked on jobs where they inhaled asbestos particles, or have been exposed to asbestos dust and fibers in other ways, such as by washing the clothes of a family member who worked with asbestos, or by home renovation using asbestos products”; and

WHEREAS, due to the long period between exposure and diagnosis, mesothelioma results in a life expectancy of four to eighteen months after onset, and nearly 3,000 persons succumb to the disease each year; and

WHEREAS, to promote public awareness of the dangers of this deadly cancer and of asbestos exposure, the need for treatment protocols, and funding for research, Mesothelioma Awareness Day was started by Meso Foundation volunteers in 2004, and September 26th was designated as the day to (i) remember the victims of mesothelioma, (ii) publicize the dangers of asbestos exposure, (iii) offer hope for those who suffer with the disease today, and (iv) focus on and highlight the need for research support and a cure for mesothelioma; and

WHEREAS, on September 26th each year, citizens across the nation are encouraged to participate in CURE MESOTHELIOMA public awareness programs and events, and to sponsor or organize fundraising campaigns in the name of MESOTHELIOMA AWARENESS; and

WHEREAS, Mesothelioma Awareness Day provides an appropriate venue to communicate an important message to the public about this deadly cancer to ensure affected persons are accurately diagnosed and treated and connected to a support system:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate September 26th of every year as Mesothelioma Awareness Day in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 176—By Schmitt, Lamping, Walsh, McKenna, Rupp, Dempsey, Richard and Emery.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

SB 177—By Schmitt.

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof two new sections relating to the date of the presidential primary.

SB 178—By Schaaf.

An Act to repeal section 630.175, RSMo, and to enact in lieu thereof one new section relating to mental health facility safety provisions.

SB 179—By Parson, McKenna and Richard.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for job creation for new home purchasers.

SB 180—By Kraus.

An Act to repeal section 34.074, RSMo, and to enact in lieu thereof one new section relating to service-disabled veteran business contracts.

SB 181—By Kraus.

An Act to repeal section 105.450, RSMo, section 105.456 as truly agreed to and finally passed by

conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof six new sections relating to ethics, with penalty provisions.

SB 182—By Kehoe, Wasson, Richard, Silvey, Lager, Dempsey and McKenna.

An Act to repeal sections 32.087 and 144.757, RSMo, and to enact in lieu thereof two new sections relating to local taxes on motor vehicle sales, with an emergency clause.

SB 183—By Sater.

An Act to amend chapter 576, RSMo, by adding thereto one new section relating to the offense of unlawful search, with a penalty provision.

SB 184—By Sater.

An Act to repeal sections 452.075 and 452.370, RSMo, and to enact in lieu thereof two new sections relating to alimony and maintenance.

SB 185—By Sater.

An Act to repeal sections 210.125, 568.050, and 568.060, RSMo, and to enact in lieu thereof three new sections relating to substance abuse during pregnancy, with penalty provisions.

SB 186—By Brown.

An Act to repeal section 194.360, RSMo, and to enact in lieu thereof one new section relating to unclaimed veterans' remains.

SB 187—By Brown.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with existing penalty provisions.

SB 188—By Romine.

An Act to repeal section 632.498, RSMo, and to enact in lieu thereof one new section relating to petitions for conditional release of sexually violent predators.

SB 189—By Romine.

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to the failure to vacate leased premises in a rent and possession case, with penalty provisions.

SB 190—By Walsh.

An Act to amend chapter 290, RSMo, by adding thereto two new sections relating to mandatory wage reporting for the purposes of determining the prevailing wage.

SB 191—By Lamping.

An Act to repeal sections 386.170 and 386.180, RSMo, and to enact in lieu thereof two new sections

relating to the public service commission.

SB 192—By Lamping, Keaveny, Dempsey, Nieves, Rupp, Walsh and Kehoe.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

SB 193—By Schaefer.

An Act to amend chapter 161, RSMo, by adding thereto two new sections relating to the education of gifted and talented children.

Senator Kehoe assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 17, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ann K. Covington, Independent, 1401 Torrey Pines Drive, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until her successor is duly appointed and qualified; vice, Craig Van Matre, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointment to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Dempsey referred **SR 64**, **SR 65** and **SR 66** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 22, 2013

Senator Tom Dempsey
President Pro Tem
Missouri State Capitol Building
201 W Capitol Ave., Room 326
Jefferson City, MO 65101

Senator Dempsey,

I respectfully request to be removed as a member of the Midwest Interstate Passenger Rail Commission.

I sincerely enjoyed my time on the Commission as it was a wonderful opportunity for me to learn more about passenger rail. I deeply value the knowledge I gained and look forward to following the Commission's future activities.

I highly recommend Senator David Pearce to serve as my replacement. During my time on the Commission, Senator Pearce served as an

alternate member. He was very engaged in the Commission's activities and I believe he would make an excellent representative on behalf of the Missouri Senate.

Please feel free to contact me should you have any questions.

Very Sincerely,
/s/ John Lamping
John Lamping

Also,

January 22, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator David Pearce to the following board:

- Midwest Interstate Passenger Rail Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Senator Justus submitted the following:

January 22, 2013

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Terry:

Under the provisions of section 42.007 RSMo, authority rests with me as Senate Minority Floor Leader to appoint a member of the Missouri Veterans Commission. Please let this correspondence serve as my appointment of Senator Scott Sifton to this Commission.

Sincerely,
/s/ Jolie Justus
Jolie Justus

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Duane and Pat Sterling, Warrensburg; and Gianinna Caceres, Panama.

Senator Libla introduced to the Senate, Avery Bourne, Pawnee, Illinois.

Senator Kraus introduced to the Senate, Kelsey Sullivan, Lee's Summit; and Rick Skubinna, Chicago, Illinois.

The President introduced to the Senate, former State Senator Charlie Shields, St. Joseph.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 23, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Wasson	SB 131-Nasheed
SB 102-Kraus	SB 132-Keaveny and Holsman
SB 103-Kraus	SB 133-Keaveny and Holsman
SB 104-Kraus	SB 134-Sater
SB 105-Brown	SB 135-Sater
SB 106-Brown	SB 136-Sater
SB 107-Lamping	SB 137-Sater
SB 108-Kraus	SB 138-Kraus
SB 109-Brown	SB 139-Kehoe
SB 110-Brown	SB 140-Brown
SB 111-Emery	SB 141-Dempsey
SB 112-Rupp and Richard	SB 142-Sifton
SB 113-Schmitt	SB 143-Walsh
SB 114-Schmitt	SB 144-Walsh
SB 115-Schmitt	SB 145-Walsh
SB 116-Kraus	SB 146-Schaaf
SB 117-Kraus	SB 147-Wasson
SB 118-Kraus	SB 148-Wasson
SB 119-Emery	SB 149-Keaveny
SB 120-Schmitt	SB 150-Munzlinger, et al
SB 121-Schaefer	SB 151-Curls
SB 122-Schaefer	SB 152-Curls
SB 123-Chappelle-Nadal	SB 153-Curls
SB 124-Chappelle-Nadal	SB 154-Richard
SB 125-Nasheed	SB 155-Nasheed
SB 126-Sater	SB 156-Sater
SB 127-Sater	SB 157-Sater
SB 128-Sater	SB 158-Sater
SB 129-Sater	SB 159-Schmitt, et al
SB 130-Schaefer	SB 160-Pearce

SB 161-Pearce	SB 184-Sater
SB 162-Keaveny	SB 185-Sater
SB 163-Kraus	SB 186-Brown
SB 164-Walsh	SB 187-Brown
SB 165-Walsh	SB 188-Romine
SB 166-Schaaf	SB 189-Romine
SB 167-Sater and Wallingford	SB 190-Walsh
SB 168-Chappelle-Nadal	SB 191-Lamping
SB 169-Chappelle-Nadal	SB 192-Lamping, et al
SB 170-Chappelle-Nadal	SB 193-Schaefer
SB 171-Chappelle-Nadal	SJR 3-Schaefer
SB 172-Chappelle-Nadal	SJR 4-Lamping
SB 173-Nasheed	SJR 5-Lamping
SB 174-Parson	SJR 6-Kraus
SB 175-Wallingford	SJR 7-Dixon
SB 176-Schmitt, et al	SJR 8-Dixon
SB 177-Schmitt	SJR 9-Emery
SB 178-Schaaf	SJR 10-Nasheed and Walsh
SB 179-Parson, et al	SJR 11-Curls
SB 180-Kraus	SJR 12-Sater
SB 181-Kraus	SJR 13-Chappelle-Nadal
SB 182-Kehoe, et al	SJR 14-Schaefer, et al
SB 183-Sater	

INFORMAL CALENDAR

RESOLUTIONS

SR 82-Dempsey

To be Referred

SCR 3-Walsh

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Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY—WEDNESDAY, JANUARY 23, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If any of you is lacking wisdom, ask God, who gives to all generously and ungrudgingly, and it will be given to you.” (James 1:5)

Heavenly Father, we pray that You speak through us every day so we let Your words speak volumes to those who depend on us to meet the various needs within this state. Grant to us wisdom to follow You faithfully and use this wisdom to help those we meet each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 87, regarding Kenneth Perkins, Boonville, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Elmer, Cornejo, McGaugh, Lichtenegger, Marshall, Gardner, Colona, Ellinger, Smith (85) and Englund.

On motion of Senator Richard, the Senate recessed to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Richard B. Teitelman, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford

Walsh—33

Absent—Senator Wasson—1

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Allen	Anders	Anderson	Austin	Bahr	Bernskoetter	Berry	Black
Brattin	Brown	Burlison	Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Franklin	Frederick	Funderburk	Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer	Lichtenegger	Love	Lynch

Marshall	May	Mayfield	McCaherty	McCann Beatty McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely	Neth	Newman
Norr	Otto	Pace	Parkinson	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85	Smith 120	Solon
Spencer	Stream	Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood	Wright	Zerr
						Mr. Speaker—152

Absent and Absent with Leave— Representatives

Barnes	Cross	Fraker	Frame	Hubbard	Jones (50)	Leara	Pfautsch
Webb—9							

Vacancies—2

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Richard B. Teitelman, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2013 State of the Judiciary

Chief Justice Richard B. Teitelman

Mr. Speaker, Mr. President, Mr. President Pro Tem, members of the General Assembly: Thank you for welcoming me here again this morning. I am humbled to stand before you today to deliver this 40th state of the judiciary address.

Before I begin, let's take a moment of silence to remember the great Stan "the Man" Musial, who not only was a great baseball player but also a humanitarian who treated everyone with graciousness and dignity.

I congratulate all of you – and especially the new legislators coming to Jefferson City for their first session – for your commitment to serving your fellow citizens. I want to offer particular congratulations to your new leaders: in the House, Speaker Tim Jones; Speaker Pro Tem Jason Smith; and Majority Floor Leader John Diehl; and in the Senate, President Pro Tem Tom Dempsey; and Majority Floor Leader Ron Richard.

I was struck by something President Pro Tem Dempsey said on the opening day of the legislative session. He observed that this remarkable state truly has been "the land of opportunity for so many." Like Sen. Dempsey, I too see Missouri as a land of opportunity, where people reach out to others and help them succeed.

I know my colleagues on the Supreme Court share my sentiments. Let me introduce success stories in their own right: Judges Mary Russell, Patty Breckenridge and Zel Fischer, all of whom practiced law in small firms in rural Missouri communities; Judge George Draper III, whose father – while serving as an assistant attorney general in the 1960s under Tom Eagleton – was refused service at restaurants here in Jefferson City; and Judge Laura Denvir Stith and our newest addition, Jefferson City native Judge Paul Wilson, both of whom learned the importance of public service at an early age from parents who were community leaders.

I remain grateful to have the opportunity to serve with such wonderful people who are so dedicated to serving the constitution and the people of Missouri.

Monday, as we celebrated the birth of Dr. Martin Luther King Jr., I thought of success stories here in Missouri. Stories like those beginning in 1920 with the election of Republican Rep. Walthall Moore and continuing through the 1960s with Sen. Theodore McNeal, Rep. DeVerne Calloway, Rep. Leon Jordan and Rep. Harold Holiday Sr.; through the 1970s with Rep. Orchid Jordan and Sen. Gwen Giles; and into the 1980s with Sen. Lee Vertis Swinton – men and women who, across generations, cast their votes in this great institution as Missouri's first black

legislators.

I also thought about Lloyd Gaines and Lucile Bluford, both of whom sought in the 1930s to become students at the University of Missouri. Their struggles helped lead to opportunities. In just the past decade, the university's enrollment of African-Americans alone has increased by more than 80 percent, and now, nearly 20 percent of the university's freshmen are minorities.

Truly, opportunities for success abound in Missouri. One more recent success story is that of Alice Conway, assistant general counsel at Monsanto.

She is remarkable for her educational achievements – she earned her Ph.D. in comparative literature at the same time as she earned her law degree from Washington University in St. Louis, she is a mezzosoprano who has studied at Julliard; and she has studied not only English but also French, German, Latin and Spanish literature.

She is all the more remarkable because she did all this reading in Braille, as she has been blind since infancy. Her mother translated many of her reading materials into Braille by hand. Alice now manages commercial and employment law issues for Monsanto.

We in the judiciary are doing what we can to create more opportunities for people in Missouri to gain access to our courts. Thanks largely to grant funding, we are providing interpreters as needed in all criminal, family, domestic and juvenile cases, and we now have a dedicated language-access point of contact for every county in the state.

At the Supreme Court, we are working to provide closed-captioning services for the oral arguments we stream online, and we will be providing informational brochures in Braille and audio files for the blind.

The judiciary's educational efforts are expanding statewide. We continue to welcome thousands of your constituents as visitors touring our beautiful Supreme Court Building. And we now have more than 125 individuals – business and civic leaders, teachers, lawyers, court staff, judges and others – volunteering their time to help educate our citizens about the role Missouri's courts serve in our outstanding system of government as well as the importance of the constitution and the laws.

One example of a local community coming together to get young people excited about these important issues is Houston, Texas – Missouri, that is. Former legislator and now Associate Circuit Judge Doug Gaston has engaged local leaders and high school students together in a "Constitution Project."

Much like we all have to work together, he has worked with the local police department, sheriff's office, newspapers, radio stations, lawyers, and, of course, school administrators and teachers to provide legal experience.

During this constitution project, students from four Texas County high schools spent part of their fall semester participating in a mock criminal case. Some students investigated the crime scene and analyzed the evidence, others reported in the local newspaper and radio stations about the progress of the investigation and case, and the rest served as prosecution and defense attorneys. The project helped them see first-hand how so many facets of our constitutional system of government work together.

Winners were chosen at the school and county level and awarded scholarships. Along with Judge Gaston and some of the local leaders who made the constitution project possible, we have several of the winners here with us today: county winners Brittany Scott and Nathan Poynter, both of Houston High School; and Houston High School winner Dusti Turner. Let's recognize them for their wonderful efforts.

This constitution project has been such a success that the members of the Supreme Court Committee on Civic Education – in partnership with the Missouri Highway Patrol, the Missouri Press Association, the Missouri Broadcasters Association and The Missouri Bar – hope to bring it to other local communities, eventually having a statewide competition.

As another statewide effort, the courts continue to try to make it easier and more affordable for people to file cases. The Supreme Court, all three districts of the court of appeals, and the circuit courts in Callaway and St. Charles counties are up and running in the Missouri eFiling System, and an additional 25 county circuit courts plan to join the eFiling System this year.

Although Judge Ray Price Jr. left the Court last summer to return to private practice, his legacy remains. Thanks largely to his commitment to being "smart," and not just "tough," about the way we deal with those in the criminal justice system, we now have treatment court divisions serving all but two of our 45 judicial circuits.

With a graduation rate exceeding 50 percent, Missouri now has more than 12,000 graduates who successfully have completed treatment court programs. In addition, nearly 600 drug-free babies have been born to treatment court participants.

One drug court graduate has received national recognition: Josh Palmer of Malden was featured in a nationwide meth-prevention media campaign sponsored by the Office of National Drug Control Policy. Josh's first encounter with meth at 17 spiraled into a full-blown addiction that eventually cost him his job, his house and the trust of his family. Through the drug court program in Dunklin County, Josh was able to beat his addiction and turn his life around. He now lives with his wife and children and works as a substance abuse counselor for youth in Hayti. Josh, will you please stand and be recognized?

Missouri's treatment courts are celebrating their 20th anniversary this year. One of the reasons we have drug courts in Missouri is because of the leadership of Albert Riederer – a former court of appeals judge and three-term Jackson County prosecutor – who died Dec. 27 after a courageous battle with cancer. While he was prosecutor, Albert spearheaded the effort to fund a drug court in Kansas City that was just the second in the country. One of his partners in this effort – Jim Nunnally, former administrator of the Jackson County "COMBAT" program to help fight drug abuse and drug-related crime – was honored earlier this month for his contribution to the development of the Jackson County drug court.

We appreciate everything that people like Albert and Jim have done for their community, their state and, indeed, the nation – as Missouri has become a national leader in drug courts. It has three "mentor courts" established as educational training sites for other drug courts throughout the country. And last fall, Jackson County's family drug court received a national award of excellence for being one of just five peer learning courts.

Because it brings positive change to Missourians and their communities, this model of providing treatment to certain nonviolent criminal offenders has moved beyond just drug courts. In 2010, your legislation made Missouri one of the first states in the nation to establish DWI courts.

And we now have three regional treatment courts serving the unique needs of our military veterans. One success story is Kennedy, who served in the Army in the 1980s and who, a decade later, fell into drug and alcohol abuse, leading to multiple arrests. Kennedy graduated from the St. Louis veterans treatment court this past September and now coordinates a computer clinic to help others in that program learn basic computer skills. The treatment court was his key to freedom from addiction and crime. Let's salute Kennedy, who is here with us today.

We also want to thank you in the legislative branch and those in the executive branch for working with the judiciary during the last year to implement meaningful reforms that make sentencing for nonviolent offenders more effective and our state safer.

We too can create amazing opportunities when we strive to follow the example of cooperation among the branches of government set by civic leaders such as Albert Riederer and our own longtime Supreme Court clerk, Tom Simon, who also died late last year.

These leaders, and so many more like them in Missouri, embody Dr. Martin Luther King's belief, drawn from the words of the prophet Amos, that we should not be satisfied until "justice rolls down like water and righteousness like a mighty stream." And with students like those in Texas County embracing the ideals of justice laid out in our constitution, Missouri will be in good hands in the years to come.

I know all of us on the Court – and all of you here today – firmly believe in our state's motto – carved into the dais in this beautiful chamber – "Let the welfare of the people be the supreme law." I am humbled to serve with you.

I know you all are very busy, but if you have the opportunity, please join us now for lunch, graciously provided by The Missouri Bar, downstairs in Hearing Room 3. For those who enjoyed the knishes last year, we are bringing more this year, and it also will give you a great opportunity to meet the Bar's new executive director, Sebrina Barrett.

Thank you. And God Bless America!

On motion of Senator Richard, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Lager.

RESOLUTIONS

Senator Dempsey moved that **SR 82** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **SR 82** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
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Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Rupp Sifton—2

Absent with leave—Senators—None

Vacancies—None

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 194—By Schaaf.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.315, 197.318, 197.325, 197.326, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, and 197.367, RSMo, and to enact in lieu thereof fifteen new sections relating to certificate of need for long-term care facilities, with existing penalty provisions.

SB 195—By Keaveny.

An Act to repeal section 168.400, RSMo, and to enact in lieu thereof one new section relating to professional development programs for public schools.

SB 196—By Keaveny.

An Act to repeal section 361.160, RSMo, and to enact in lieu thereof two new sections relating to the examination of private trust companies and alternative dispute resolution for trust agreements.

SB 197—By Sater, Schaaf, Lamping and Brown.

An Act to repeal sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, and to enact in lieu thereof twelve new sections relating to tuberculosis testing, with penalty provisions.

SB 198—By Chappelle-Nadal.

An Act to repeal section 191.807, RSMo, and to enact in lieu thereof one new section relating to the women, infants and children special supplemental food program.

SB 199—By Chappelle-Nadal.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to long-term care facilities.

SB 200—By Chappelle-Nadal.

An Act to amend chapter 170, RSMo, by adding thereto four new sections relating to violence prevention education in elementary and secondary schools.

SB 201—By Chappelle-Nadal.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.775, and 191.776, RSMo, and to enact in lieu thereof six new sections relating to the Missouri indoor clean air act.

SB 202—By Chappelle-Nadal.

An Act to amend chapter 292, RSMo, by adding thereto one new section relating to workplace violence, with a penalty provision.

SB 203—By Chappelle-Nadal.

An Act to repeal sections 43.032, 67.307, 208.009, 285.309, 285.500, 285.503, 285.506, 285.512, 285.515, 285.525, 285.530, 285.535, 285.540, 285.543, 285.550, 285.555, 302.063, 302.720, 544.470, 577.675, 577.680, 578.570, and 650.475, RSMo, and to enact in lieu thereof two new sections relating to unauthorized and unlawfully present aliens.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Swan, Pfautsch, Hansen, Burlison, Gosen, McKenna, Frame, Morgan, Newman and Runions.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 3—Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 88, regarding Mark Hall Cabinetry, Inc., Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 89, regarding Logboat Brewing Company, LLC, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 90, regarding Kemper Redevelopment Project, Boonville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kraus introduced to the Senate, Brett and Jackie Euritt and their children, Ashley and Abbey, Lee's Summit; and Ashley and Abbey were made honorary pages.

Senator Sater introduced to the Senate, representatives of Missouri Nurses Association from around the state.

Senator Richard introduced to the Senate, Kathy Meyer, Overland; Janice Klimek, Warrensburg; Laura Osborn, St. Joseph; Sondra De Priest, Savannah; John Everst, Springfield; Bob Letterman, Lee's Summit; Nick Myers, Joplin; Linus Barnfield, Farmington; Christy Cabbage, Kansas City; and Jay Decker, Poplar Bluff, representatives of the Missouri Society of Certified Public Accountants.

Senator Dixon introduced to the Senate, Mary Byrne, Springfield.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY—THURSDAY, JANUARY 24, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Wasson	SB 130-Schaefer
SB 102-Kraus	SB 131-Nasheed
SB 103-Kraus	SB 132-Keaveny and Holsman
SB 104-Kraus	SB 133-Keaveny and Holsman
SB 105-Brown	SB 134-Sater
SB 106-Brown	SB 135-Sater
SB 107-Lamping	SB 136-Sater
SB 108-Kraus	SB 137-Sater
SB 109-Brown	SB 138-Kraus
SB 110-Brown	SB 139-Kehoe
SB 111-Emery	SB 140-Brown
SB 112-Rupp and Richard	SB 141-Dempsey
SB 113-Schmitt	SB 142-Sifton
SB 114-Schmitt	SB 143-Walsh
SB 115-Schmitt	SB 144-Walsh
SB 116-Kraus	SB 145-Walsh
SB 117-Kraus	SB 146-Schaaf
SB 118-Kraus	SB 147-Wasson
SB 119-Emery	SB 148-Wasson
SB 120-Schmitt	SB 149-Keaveny
SB 121-Schaefer	SB 150-Munzlinger, et al
SB 122-Schaefer	SB 151-Curls
SB 123-Chappelle-Nadal	SB 152-Curls
SB 124-Chappelle-Nadal	SB 153-Curls
SB 125-Nasheed	SB 154-Richard
SB 126-Sater	SB 155-Nasheed
SB 127-Sater	SB 156-Sater
SB 128-Sater	SB 157-Sater
SB 129-Sater	SB 158-Sater

SB 159-Schmitt, et al	SB 188-Romine
SB 160-Pearce	SB 189-Romine
SB 161-Pearce	SB 190-Walsh
SB 162-Keaveny	SB 191-Lamping
SB 163-Kraus	SB 192-Lamping, et al
SB 164-Walsh	SB 193-Schaefer
SB 165-Walsh	SB 194-Schaaf
SB 166-Schaaf	SB 195-Keaveny
SB 167-Sater and Wallingford	SB 196-Keaveny
SB 168-Chappelle-Nadal	SB 197-Sater, et al
SB 169-Chappelle-Nadal	SB 198-Chappelle-Nadal
SB 170-Chappelle-Nadal	SB 199-Chappelle-Nadal
SB 171-Chappelle-Nadal	SB 200-Chappelle-Nadal
SB 172-Chappelle-Nadal	SB 201-Chappelle-Nadal
SB 173-Nasheed	SB 202-Chappelle-Nadal
SB 174-Parson	SB 203-Chappelle-Nadal
SB 175-Wallingford	SJR 3-Schaefer
SB 176-Schmitt, et al	SJR 4-Lamping
SB 177-Schmitt	SJR 5-Lamping
SB 178-Schaaf	SJR 6-Kraus
SB 179-Parson, et al	SJR 7-Dixon
SB 180-Kraus	SJR 8-Dixon
SB 181-Kraus	SJR 9-Emery
SB 182-Kehoe, et al	SJR 10-Nasheed and Walsh
SB 183-Sater	SJR 11-Curls
SB 184-Sater	SJR 12-Sater
SB 185-Sater	SJR 13-Chappelle-Nadal
SB 186-Brown	SJR 14-Schaefer, et al
SB 187-Brown	

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Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 24, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The family fireside is the best of schools.” (Arnold Glassgow)

Heavenly Father, we complete another shortened week and are grateful for Your guidance during our time here. After we complete our work watch “our going out and our coming in” so we arrive safely home. And let us return home to our families and find time to share and make use of teachable moments so that each of us may learn from You through the gift of others in our lives. Bless our time there and help us make the best use of it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 91, regarding Maxwell Thomas “Max” Burson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 92, regarding Green Field Energy Group, Incorporated, Lone Jack, which was adopted.

Senator Pearce offered Senate Resolution No. 93, regarding Alexander Joseph Burson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 94, regarding Douglas Wilkins, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 95, regarding Ryan Orr, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 96, regarding Michael Joseph Nimmer, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 97, regarding Riley Jacob Stevenson Cox, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 98, regarding Joab M. Smart, Osceola, which was adopted.

Senator Pearce offered Senate Resolution No. 99, regarding Tim Russell, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 100, regarding Mason C. Barry, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 101, regarding Blake D. Lowry, which was adopted.

Senator Libla offered Senate Resolution No. 102, regarding Jana Flannigan, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 103, regarding Brown Construction Company, Incorporated, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 104, regarding Smith’s Properties, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 105, regarding Kenady-Hanks American Legion Post #59, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 106, regarding Gateway Shoes, LLC, Dexter, which was adopted.

Senator Kraus offered Senate Resolution No. 107, regarding Stonehaus Farms Vineyard and Winery, Lee’s Summit, which was adopted.

Senator Sifton offered Senate Resolution No. 108, regarding the city of Webster Groves, which was adopted.

Senator Lager offered Senate Resolution No. 109, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Wilson, Chillicothe, which was adopted.

Senator Wallingford offered Senate Resolution No. 110, regarding The Printing Company, which was adopted.

Senator Wallingford offered Senate Resolution No. 111, regarding Hendrickson Business Advisors, LLC, which was adopted.

Senator Wallingford offered Senate Resolution No. 112, regarding Maurice R. Sandfort, Cape Girardeau, which was adopted.

Senator Cunningham offered Senate Resolution No. 113, regarding C & M Contractors, Incorporated, Doniphan, which was adopted.

Senator Cunningham offered Senate Resolution No. 114, regarding Henson Enterprises, Inc., West Plains, which was adopted.

Senator Cunningham offered Senate Resolution No. 115, regarding Eco-Recovery, LLC, West Plains, which was adopted.

Senator Kraus offered Senate Resolution No. 116, regarding Lee's Summit North High School Air Force Junior Reserve Officer Training Corps Armed Color Guard team, which was adopted.

Senator Kraus offered Senate Resolution No. 117, regarding Randy Dowell, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 118, regarding James F. Freeman, III, which was adopted.

Senator LeVota offered Senate Resolution No. 119, regarding Milbank Manufacturing Co., Kansas City, which was adopted.

Senator Lager offered Senate Resolution No. 120, regarding the 2012-2013 Northwest Missouri State University Bearcat Cheer Squad, which was adopted.

Senator Lager offered Senate Resolution No. 121, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Dice, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 122, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Gary Powell, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 123, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Wheeler, Climax Springs, which was adopted.

Senator Lager offered Senate Resolution No. 124, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Stevens, New Hampton, which was adopted.

Senator Lager offered Senate Resolution No. 125, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis George Messner, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 126, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Johnson, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 127, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Ohlberg, Hamilton, which was adopted.

Senator Munzlinger offered Senate Resolution No. 128, regarding the One Hundredth Birthday of Lenore Darr, Memphis, which was adopted.

Senator Kehoe offered Senate Resolution No. 129, regarding the One Hundredth Birthday of Alma Selma Goldammer Sommerer, Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 204—By Brown.

An Act to repeal section 135.305, RSMo, and to enact in lieu thereof one new section relating to the tax credit for wood energy procedures.

SB 205—By Sater.

An Act to amend chapter 453, RSMo, by adding thereto one new section relating to foster children.

SB 206—By Schaaf.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state exercise.

SB 207—By Kehoe, Richard, Dempsey, Cunningham, Munzlinger, Schaefer, Walsh, Lager, Sater, McKenna, Schaaf, Sifton, Dixon, Emery, Curls, Wasson and Chappelle-Nadal.

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to ratemaking for public utilities.

SB 208—By Justus and McKenna.

An Act to repeal section 211.036, RSMo, and to enact in lieu thereof one new section relating to reentry into the custody of the children's division.

SB 209—By Justus.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to higher education tuition policy, with an emergency clause.

SB 210—By Lamping and Nieves.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the Common Core Standards Initiative.

SB 211—By Rupp.

An Act to amend chapter 167, RSMo, by adding thereto nine new sections relating to the management of diabetes in elementary and secondary schools.

CONCURRENT RESOLUTIONS

Senators Schmitt, Lamping and Chappelle-Nadal offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

WHEREAS, the elementary and secondary education foundation formula has not been fully funded since fiscal year 2009 and school districts have not received the amount of funding to which they are entitled, leading to inequities of funding amongst districts; and

WHEREAS, the lack of full funding has resulted in all districts receiving a cut in state funding; and

WHEREAS, the lack of full funding has resulted in hold harmless districts receiving a cut in their state funding even though statute provides that their state funding not fall below a specified level; and

WHEREAS, it is essential that the General Assembly reexamine the existing formula for funding elementary and secondary education to ensure that the state's resources are being put to the use that best benefits the citizens of Missouri and all school districts:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Funding for Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that the Committee shall be charged with the following:

1. Examining the current elementary and secondary education foundation formula; and
2. Studying the impact of cuts to the foundation formula on hold harmless school districts; and
3. Studying how other states fund elementary and secondary education and how they have addressed elementary and secondary education budgets during difficult fiscal times; and
4. Identifying ways in which the foundation formula might be improved; and
5. Reporting its recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives by January 8, 2014; and
6. Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of ten members, three majority party members, and two minority party members of the Senate, to be appointed by the President Pro Tempore of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the First and Second Regular Sessions of the Ninety-seventh General Assembly; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this state, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, the Joint Committee on Education and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

Senator Lamping offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, under federal Medicaid law, states are required to make disproportionate share hospital (DSH) payments to hospitals for providing health care to a vast number of low-income patients in an attempt to make up for financial losses by hospitals that do not receive payment for services rendered to uninsured patients and because Medicaid provider payment rates are far lower than those payments received by private insurance; and

WHEREAS, also under federal Medicaid law, the federal government reimburses states for a portion of the state's Medicaid DSH expenditures based on each state's federal medical assistance percentage and each state receives an annual DSH allotment; and

WHEREAS, Missouri hospitals reported providing \$1.1 billion in uncompensated care to Missourians in 2011; and

WHEREAS, under the Affordable Care Act (ACA) of 2010, states are mandated to expand Medicaid eligibility for persons with incomes up to 133% of the federal poverty level; however, in June 2012, the United States Supreme Court found such mandate impermissible and now allows each state to decide whether to implement such a Medicaid expansion; and

WHEREAS, under the ACA, under the assumption at the time the law passed that all states were to implement the Medicaid expansion, the federal government is required to reduce more than \$22 billion in DSH payments from 2014 to 2022; and

WHEREAS, Missouri is expected to suffer cuts to DSH hospital payments in the amount of \$3.3 billion from 2013 to 2020; and

WHEREAS, the federal cuts to DSH hospital payments are set to occur regardless of whether a state has elected to implement the Medicaid expansion under the ACA - a decision the United States Supreme Court found each state has a right to pursue; and

WHEREAS, Missouri hospitals have reported that it will be an “unsustainable situation for hospitals” to absorb more than \$1 billion annually in uncompensated care while facing \$3.3 billion in cuts:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the federal government to continue to reimburse states for a portion of the state’s Medicaid DSH expenditures based on each state’s federal medical assistance percentage for those states that have chosen not to implement the Medicaid expansion; and

BE IT FURTHER RESOLVED that Governor Nixon work with the federal government to ensure that the reduction to such DSH payments do not occur; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the federal Department of Health and Human Services, each member of the Missouri Congressional delegation, and Governor Jay Nixon.

Senator Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women’s Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ratify the Equal Rights Amendment to the United States Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional delegation with request that it be printed in the Congressional Record.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William P. Kenney and Stephen Stoll, as members of the Public Service Commission;

Also,

Stephen M. Kenny, as a member of the Missouri Real Estate Commission;

Also,

Charles R. Wooten, as a member of the Missouri Veterans' Commission;

Also,

Dushyanthi A. Mullegama, as a member of the State Committee for Social Workers;

Also,

Charles W. Shields, Republican, as a member of the State Board of Education;

Also,

Victor E. Callahan, Democrat, as a member of the State Tax Commission;

Also,

Christopher G. Halliday, as a member of the Higher Education Loan Authority of the State of Missouri;

Also,

Rhonda J. Wood, as a member of the Committee for Professional Counselors;

Also,

J. Scott Christianson, Democrat, as a member of the Linn State Technical College Board of Regents;
and

Suzette Forbis, as a member of the Missouri State Foster Care and Adoption Board.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Douglas E. Nelson, as Commissioner of Administration, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Schaefer moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Schaefer, the above motion was withdrawn.

President Pro Tem Dempsey assumed the Chair.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which were referred **SB 20**, **SB 15** and **SB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 10** and **SB 25**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 48**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe assumed the Chair.

RE-REFERRALS

President Pro Tem Dempsey re-referred **SB 100** to the Committee on Seniors, Families and Pensions.

President Pro Tem Dempsey re-referred **SB 29** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 101—General Laws.

SB 102—Commerce, Consumer Protection, Energy and the Environment.

SB 103—Jobs, Economic Development and Local Government.

SB 104—Transportation and Infrastructure.

SB 105—Judiciary and Civil and Criminal Jurisprudence.

SB 106—Veterans' Affairs and Health.

SB 107—Seniors, Families and Pensions.

SB 108—Transportation and Infrastructure.

SB 109—Veterans' Affairs and Health.

SB 110—Veterans’ Affairs and Health.

SB 111—Judiciary and Civil and Criminal Jurisprudence.

SB 112—Jobs, Economic Development and Local Government.

SB 113—Judiciary and Civil and Criminal Jurisprudence.

SB 114—General Laws.

SB 115—Small Business, Insurance and Industry.

SB 116—Financial and Governmental Organizations and Elections.

SB 117—Veterans’ Affairs and Health.

SB 118—Judiciary and Civil and Criminal Jurisprudence.

SB 119—Financial and Governmental Organizations and Elections.

SB 120—Jobs, Economic Development and Local Government.

SB 121—Commerce, Consumer Protection, Energy and the Environment.

SB 122—Judiciary and Civil and Criminal Jurisprudence.

SB 123—Jobs, Economic Development and Local Government.

SB 124—General Laws.

SB 125—Education.

SJR 3—Appropriations.

SJR 4—Financial and Governmental Organizations and Elections.

SJR 5—Governmental Accountability and Fiscal Oversight.

SJR 6—Financial and Governmental Organizations and Elections.

SJR 7—Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 110**, entitled:

An Act to repeal sections 21.110, 28.190, 29.280, 30.030, 30.060, 30.070, 30.080, 78.090, 105.030, 105.040, 105.050, 115.123, 115.365, 115.601, and 115.755, RSMo, and to enact in lieu thereof sixteen new sections relating to vacancies and time limits for certain offices, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 11:30 a.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SR 64**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 65**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 66**, begs leave to report that it has considered the same and recommends that the resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 66, as it appears on Page 99 of the Senate Journal for Thursday, January 17, 2013, Line 6 of said journal page, by striking the word “fails” and inserting in lieu thereof the following: “**refuses**”.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 130, regarding Rockridge Group, LLC, Springfield, which was adopted.

Senator Holsman offered Senate Resolution No. 131, regarding Farmland Foods-Martin City Sustainability Team, which was adopted.

COMMUNICATIONS

Senator Justus submitted the following:

January 23, 2013

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

Pursuant to the provisions of section 287.610.9(2), I am vested with the authority to appoint one member of the Administrative Law Judge Review Committee. Please let this correspondence serve as my appointment of the following individual to that committee.

Mike Louis
227 Jefferson Street
Jefferson City, Missouri 65101

If there are any questions, please do not hesitate to contact my office.

Sincerely,
/s/ Jolie Justus
Jolie Justus

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Sarah Pauley, Trenton.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, January 28, 2013

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 28, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Sater	SB 152-Curls
SB 127-Sater	SB 153-Curls
SB 128-Sater	SB 154-Richard
SB 129-Sater	SB 155-Nasheed
SB 130-Schaefer	SB 156-Sater
SB 131-Nasheed	SB 157-Sater
SB 132-Keaveny and Holsman	SB 158-Sater
SB 133-Keaveny and Holsman	SB 159-Schmitt, et al
SB 134-Sater	SB 160-Pearce
SB 135-Sater	SB 161-Pearce
SB 136-Sater	SB 162-Keaveny
SB 137-Sater	SB 163-Kraus
SB 138-Kraus	SB 164-Walsh
SB 139-Kehoe	SB 165-Walsh
SB 140-Brown	SB 166-Schaaf
SB 141-Dempsey	SB 167-Sater and Wallingford
SB 142-Sifton	SB 168-Chappelle-Nadal
SB 143-Walsh	SB 169-Chappelle-Nadal
SB 144-Walsh	SB 170-Chappelle-Nadal
SB 145-Walsh	SB 171-Chappelle-Nadal
SB 146-Schaaf	SB 172-Chappelle-Nadal
SB 147-Wasson	SB 173-Nasheed
SB 148-Wasson	SB 174-Parson
SB 149-Keaveny	SB 175-Wallingford
SB 150-Munzlinger, et al	SB 176-Schmitt, et al
SB 151-Curls	SB 177-Schmitt

SB 178-Schaaf	SB 199-Chappelle-Nadal
SB 179-Parson, et al	SB 200-Chappelle-Nadal
SB 180-Kraus	SB 201-Chappelle-Nadal
SB 181-Kraus	SB 202-Chappelle-Nadal
SB 182-Kehoe, et al	SB 203-Chappelle-Nadal
SB 183-Sater	SB 204-Brown
SB 184-Sater	SB 205-Sater
SB 185-Sater	SB 206-Schaaf
SB 186-Brown	SB 207-Kehoe, et al
SB 187-Brown	SB 208-Justus and McKenna
SB 188-Romine	SB 209-Justus
SB 189-Romine	SB 210-Lamping and Nieves
SB 190-Walsh	SB 211-Rupp
SB 191-Lamping	SJR 8-Dixon
SB 192-Lamping, et al	SJR 9-Emery
SB 193-Schaefer	SJR 10-Nasheed and Walsh
SB 194-Schaaf	SJR 11-Curls
SB 195-Keaveny	SJR 12-Sater
SB 196-Keaveny	SJR 13-Chappelle-Nadal
SB 197-Sater, et al	SJR 14-Schaefer, et al
SB 198-Chappelle-Nadal	

HOUSE BILLS ON SECOND READING

HCS for HB 110

SENATE BILLS FOR PERFECTION

SBs 20, 15 & 19-Dixon, et al, with SCS	SB 47-Lamping, with SCS
SBs 10 & 25-Schmitt and Richard, with SCS	SB 48-Lamping

INFORMAL CALENDAR

RESOLUTIONS

Reported from Committee

SR 64-Dempsey	SR 66-Dempsey, with SCA 1
SR 65-Dempsey	

To be Referred

SCR 4-Schmitt, et al
SCR 5-Lamping

SCR 6-Justus

✓

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 28, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Human beings yearn for a world that reflects God’s will in many cases as strongly as they yearn for money or success.” (David Brooks)

Gracious God, we recognize that if we do not have a meaningful purpose for our lives, life will not have much zest and we will not be the people You intend for us to be. So we pray that we may see a Godly purpose in the work that we do here and we may have strength and joy to complete our work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 24, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 132, regarding Allyson Doman, Kirksville, which

was adopted.

Senator Lager offered Senate Resolution No. 133, regarding Craig Scott Griswold, which was adopted.

Senator Kraus offered Senate Resolution No. 134, regarding The Wilson Group, Greenwood, which was adopted.

Senator Kraus offered Senate Resolution No. 135, regarding Magic Touch Cleaning, Inc., Lee's Summit, which was adopted.

Senator Silvey offered Senate Resolution No. 136, regarding Haley Brown, Liberty, which was adopted.

Senator Curls offered Senate Resolution No. 137, regarding the late Keith Lamar Williams, Kansas City, which was adopted.

Senator Schmitt offered Senate Resolution No. 138, regarding Robert Croghan, Sr., which was adopted.

Senator Schmitt offered Senate Resolution No. 139, regarding Vesta Johnson, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 140, regarding Sandy Washington, which was adopted.

Senator Schmitt offered Senate Resolution No. 141, regarding Terry Sibbitts, which was adopted.

Senator Schmitt offered Senate Resolution No. 142, regarding former State Senator Michael Gibbons, which was adopted.

Senator Wallingford offered Senate Resolution No. 143, regarding Fumatore di Sigaro, Cape Girardeau, which was adopted.

Senator Dempsey offered Senate Resolution No. 144, regarding the Honorable Len Pagano, Mayor of the City of St. Peters, which was adopted.

Senator Wallingford offered Senate Resolution No. 145, regarding Wyatt Blattel, which was adopted.

Senator Justus offered Senate Resolution No. 146, regarding Robby Miller, Mexico, which was adopted.

Senator Justus offered Senate Resolution No. 147, regarding Sherry Jenkins, Callaway County, which was adopted.

Senator Schaefer offered Senate Resolution No. 148, regarding Casey Hulshof, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 149, regarding Elizabeth Meyer, Columbia, which was adopted.

Senator Lager offered Senate Resolution No. 150, regarding Giant Model Products, Lathrop, which was adopted.

Senator Sifton offered Senate Resolution No. 151, regarding Lawrence Fabric & Metal Structures, Inc., St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 152, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Louie Diebold, Clinton, which was adopted.

Senator Kraus offered Senate Resolution No. 153, regarding Travis Theron Pratt, Blue Springs, which was adopted.

Senator Walsh offered Senate Resolution No. 154, regarding former State Senator Timothy P. Green, Spanish Lake, which was adopted.

Senator Walsh offered Senate Resolution No. 155, regarding the American Heart Association Midwest Affiliate, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 212—By Cunningham.

An Act to repeal section 331.100, RSMo, and to enact in lieu thereof one new section relating to the state board of chiropractic examiners.

SB 213—By Kraus.

An Act to repeal sections 99.810, 99.848, and 99.1042, RSMo, and to enact in lieu thereof three new sections relating to tax increment financing.

SB 214—By Silvey.

An Act to repeal sections 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 375.1312, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 589.015, 590.700, 595.220, and 632.480, RSMo, and to enact in lieu thereof thirty-two new sections relating to crime, with penalty provisions.

SB 215—By Silvey.

An Act to repeal sections 86.900, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, and 86.1630, RSMo, and to enact in lieu thereof twenty-five new sections relating to Kansas City police retirement systems.

SB 216—By Silvey.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity.

SB 217—By LeVota.

An Act to repeal section 301.301, RSMo, and to enact in lieu thereof one new section relating to the replacement of stolen license plate tabs.

SB 218—By LeVota.

An Act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof two new sections relating to the display of the Honor and Remember flag at state buildings and state parks.

SB 219—By Sater.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to the scope of practice for physician assistants.

SB 220—By Lamping.

An Act to repeal sections 143.011, 143.021, and 149.015, RSMo, and to enact in lieu thereof three new

sections relating to taxation, with a referendum clause.

SB 221—By Lamping.

An Act to repeal sections 169.030, 169.070, 169.620, and 169.670, RSMo, and to enact in lieu thereof four new sections relating to teacher and school employee retirement systems, with existing penalty provisions and an emergency clause.

SB 222—By Lamping.

An Act to repeal sections 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, and 527.290, RSMo, and to enact in lieu thereof nineteen new sections relating to domestic violence, with existing penalty provisions.

SB 223—By Curls.

An Act to repeal sections 169.270, 169.291, 169.301, 169.324, and 169.350, RSMo, and to enact in lieu thereof five new sections relating to the public school retirement system of Kansas City.

SB 224—By Curls, Justus and Holsman.

An Act to repeal sections 84.480, 84.490, and 84.510, RSMo, and to enact in lieu thereof three new sections relating to the Kansas City police department.

SB 225—By Curls.

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof two new sections relating to child support.

SB 226—By Schaefer.

An Act to repeal sections 631.005, 632.005, 632.150, 632.155, 632.300, 632.305, 632.325, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.380, 632.390, and 632.430, RSMo, and to enact in lieu thereof seventeen new sections relating to mental health services.

RESOLUTIONS

Senator Dempsey moved that **SR 64** be taken up for adoption, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Dempsey, **SR 64** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

Senator Dempsey moved that **SR 65** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **SR 65** was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Chappelle-Nadal Schaaf—2

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

Senator Dempsey moved that **SR 66**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Dempsey moved that the above committee amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 66, as it appears on Page 99 of the Senate Journal for Thursday, January 17, 2013, Line 7 of said journal page, by inserting after the word “withdrawn.” the following: “**The preceding sentence of this rule shall be known as the Crowell Rule.**”.

Senator Schaaf moved that the above amendment be adopted.

Senator Schaaf offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 66, as it appears on Page 99 of the Senate Journal for Thursday, January 17, 2013, Line 7 of said journal page, by inserting after the word “withdrawn.” the following: “**The preceding sentence of this rule shall be known as the Jason Crowell Rule.**”.

Senator Schaaf moved that the above substitute amendment be adopted.

Senator Schaaf offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Resolution No. 66, as

it appears on Page 1 of the Senate Journal for Thursday, January 17, 2013, Line 3 of said amendment, by inserting after the word “the” the following: “**Senator.**”.

Senator Schaaf moved that the above amendment be adopted.

Senator Schaaf was recognized to close but refused.

Senator Schaefer raised the point of order under the provisions of Senate Rule 76, Senator Schaaf was no longer engaged in debate and therefore had relinquished the floor.

The point of order was referred to the President Pro Tem who ruled it well taken.

The motion to adopt **SA 1** was put by the Chair and was defeated.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Schaaf, **SSA 1** for **SA 1** was withdrawn.

SA 1 was again taken up.

Senator Schaaf moved that **SA 1** be adopted, which motion failed on a standing division vote.

At the request of Senator Dempsey, his motion to adopt **SR 66**, as amended, was withdrawn.

Senator Dempsey moved that **SR 66**, as amended, be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **SR 66**, as amended, was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Chappelle-Nadal	Keaveny	Schaaf—3
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Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 20**, **SB 15** and **SB 19**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 20, 15** and **19**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 20, 15 and 19

An Act to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof seven new sections relating to certain benevolent tax credits, with an emergency clause.

Was taken up.

Senator Dixon moved that **SCS** for **SBs 20, 15 and 19** be adopted.

Senator Dixon offered **SS** for **SCS** for **SBs 20, 15 and 19**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 20, 15 and 19

An Act to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof eight new sections relating to certain benevolent tax credits, with an emergency clause.

Senator Dixon moved that **SS** for **SCS** for **SBs 20, 15 and 19** be adopted.

Senator Silvey assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 and 19, Page 5, Section 135.327, Lines 11-12 of said page, by striking the following: “or after July 1, 2004, two million dollars of ” and inserting in lieu thereof the following: “**the effective date of this act,**”; and further amend line 12 of said page, by striking the word “allowed”; and further amend said line, by inserting immediately after the word “shall” the following: “**only**”;

Further amend said bill and section, page 6, line 7 of said page, by striking the word “three” and inserting in lieu thereof the following: “**two**”; and further amend line 9 of said page, by inserting immediately after “2004” an opening bracket “[”]; and further amend line 10 of said page, by striking the opening bracket “[”, the closing bracket “]” and the underlined language from said line; and further amend line 16 of said page, by inserting immediately after the word “initiated” a closing bracket “]”; and further amend line 21 of said page, by striking the following: “For all fiscal”; and further amend lines 22-26 of said page, by striking all of said lines; and

Further amend bill and section, page 7, line 4 of said page, by striking the following: “] 5.”; and further amend line 14 of said page, by striking the opening bracket “[”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Lamping offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 and 19, Page 3, Section 135.090, Line 24 of said page, by inserting immediately after said line the following:

“135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) “Business entity”, person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this

state pursuant to chapter 153;

(2) “Handicap”, a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) “Nonrecurring adoption expenses”, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) “Special needs child”, a child for whom it has been determined by the division of family services, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as [ethnic background,] age, membership in a [minority or] sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents, **except that ethnic background or membership in a minority group shall not be the sole factor for determining that a child who meets the requirement of paragraph (a) of this subdivision meets the requirements of this subdivision;**

(5) “State tax liability”, any liability incurred by a taxpayer under the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.”; and

Further amend the title and enacting clause accordingly.

Senator Lamping moved that the above amendment be adopted.

At the request of Senator Dixon, **SB 20, SB 15 and SB 19**, with **SCS, SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

On motion of Senator Richard, the Senate recessed to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Jay Nixon.

JOINT SESSION

The Joint Session was called to order by President Kinder.

The Color Guard from the Missouri State Highway Patrol, Troop F, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Anders	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Black
Brattin	Brown	Burlison	Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn	Elmer	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr	Otto	Pace	Parkinson
Pfautsch	Phillips	Pierson	Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Smith 120	Solon	Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr. Speaker—149			

Absent and Absent with Leave—Representatives

Allen	Diehl	Ellinger	Ellington	Engler	Gardner	Hubbard	Kirkton
Lichtenegger	Mims	Montecillo	Smith 85—12				

Vacancies—2

The Joint Committee appointed to wait upon His Excellency, Governor Jay Nixon, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

2013 STATE OF THE STATE ADDRESS
GOVERNOR JEREMIAH W. (JAY) NIXON
JANUARY 28, 2013

Thank you, President Pro Tem Dempsey, Speaker Jones, judges of the Missouri Supreme Court, Lieutenant Governor Kinder, state officials, members of the legislature, members of my cabinet, and my fellow Missourians.

This evening it is my pleasure to be joined by Missouri's outstanding First Lady, Georganne Nixon, and our son Jeremiah.

Before I begin to lay out our state's agenda for the year, I would like to thank the people of Missouri for the privilege of serving a second term as Governor. I am grateful for your continued trust and support, and the opportunity to lead our great state forward.

Looking around this chamber tonight, I see folks with different backgrounds, different ideologies, and different interests.

But whatever our small differences may be, we are united in a common purpose: to serve all the people of Missouri.

To make their lives better, and to make life better for our children and grandchildren.

These past four years, Missouri has weathered historic challenges – from nearly double-digit unemployment to the tornado in Joplin.

But together, we met each challenge with courage and conviction, and moved our state forward.

That makes me proud to be a Missourian. That makes me more optimistic than ever about our future.

Because the people of the Show-Me State know how to work together.

And once our minds are made up, nothing can stop us.

That's who we are. That's what we do.

Some who answer the call of service put their lives at risk to protect the lives of others.

They serve here at home whenever danger and disaster threaten. They serve in perilous outposts in every corner of the globe, to defend our freedom and liberty.

We call them heroes. They make us proud.

Last December, I again had the opportunity to visit our troops in Afghanistan and Kuwait.

One of them is with us tonight.

Sergeant Joseph Schicker served with the Guard's Agribusiness Development Team in Afghanistan. Just hours after his team arrived at their base, Taliban insurgents attacked.

In successfully repelling the attack, several Missouri Guardsmen, including Sergeant Schicker, were wounded. For his part in the battle, Sergeant Schicker received the Combat Infantry Badge and the Army Commendation Medal with Valor.

I personally had the honor of pinning Sergeant Schicker with the Purple Heart during the ADT's welcome home ceremony in September.

Sergeant Schicker, you represent every man and every woman who has ever fought to defend our great nation, in every era and on every field of battle.

Will you please stand, with all the members of our military past and present, and accept the heartfelt gratitude of your state.

In the last four years, we've overcome our share of challenges.

Missouri was hit by unprecedented natural disasters.

We came together to help our neighbors hit hard by twisters and ice storms, floods and drought.

In the grip of an historic recession, we did what every family in Missouri did: we tightened our belts and cut spending.

Together, we balanced the budget while holding the line on taxes.

We dramatically reduced the size of state government, while making it more efficient.

We protected our spotless Triple-A credit rating.

And unlike most states, we did it without reaching into taxpayers' wallets, or putting it on the credit card.

And you know what?

It worked.

And as a result, our economy is moving forward.

Last year, Missouri employers added more than 40,000 new jobs.

We're exporting more goods than ever before...Training more workers than ever before...And bringing Missouri's auto industry back to life.

Two weeks ago – on the day after my inauguration – I went back to Detroit to meet with auto suppliers and manufacturers.

We got our first good look at the Ford Transit, one of the fantastic new vehicles we're going to build right here in the Show-Me State.

A top Ford exec said that if we hadn't come together during that special session two years ago, the Claycomo plant would have closed.

That would have put those 4,000 workers out of a job, and pushed Missouri's auto industry to the brink.

Instead?

Automakers are investing more than \$1.5 billion in Missouri, creating thousands of jobs at the Ford plant in Claycomo, the GM plant in Wentzville, and suppliers in every corner of our state.

By coming together in that special session, we saved Missouri's auto industry.

So when the skeptics say that nothing gets done in this building, or when the press writes that the two parties can't come together, think of those workers and their families.

And remember that what we do here really matters.

And that same spirit is needed now more than ever, to keep Missouri moving forward.

Together, we've kept our fiscal discipline, and our economy is gaining ground.

We now have a unique opportunity to build a better future for our children.

We must seize it.

And nothing will have a greater impact on our children's future than the commitment we make now to their education.

So in my budget, we increase funding for education.

And we increase it by \$150 million.

- That's \$17 million more for early childhood education.
- That's \$34 million more for higher education;
- And that's \$100 million more for our K-12 classrooms.

Our children are our first priority.

They are Missouri's future.

Of course, with increased funding, come higher expectations.

We expect better test scores, better graduation rates, more college degrees and more Missourians ready to compete for the best jobs in a global economy.

We've all got to do better, and that means everybody: students and teachers; parents and principals; coaches and college presidents.

Increased funding means increased accountability.

We know the early years of a child's life are critical.

Over the past few weeks I've visited preschool classrooms in Greenville, Nixa, Parkway and St. Joseph – local communities committed to giving their kids a strong foundation for lifelong learning.

And the first official business of my second term was to meet with leaders in preschool education. We discussed ways to ensure that every young child comes to school ready to learn, and ready to succeed.

The clear consensus: early childhood education is a smart investment, with a big return.

We want every child, in every Missouri community – no matter their family's circumstances – to get the best possible start.

That is why, with an increase of \$17 million, we'll more than double funding for our Missouri Preschool Program, and put more money into programs like Early Head Start.

Tonight, we are fortunate to be joined by the St. Louis Pre-School Teacher of the Year, Linda Smith, of Dewey International School.

Joining her is St. Louis Public Schools Superintendent, Dr. Kelvin Adams.

Under Dr. Adams' strong leadership, the St. Louis schools have made steady progress over the past five years, as they work to earn full accreditation.

That kind of progress is only possible when everyone pulls together toward a shared goal.

Mrs. Smith and Dr. Adams, please stand. Thank you for the lifelong commitment you've made to our children.

In the past four years, our schools have made steady gains.

Math scores are up.

Reading scores are up.

And I'm proud to report that Missouri's high school graduation rate is now the seventh-highest in the nation.

But we must commit to even higher goals.

That's why my budget includes \$100 million in new funding for our K-12 classrooms.

We'll use it to train more teachers, modernize equipment, and lengthen the school year.

Right now, Missouri has the fourth-shortest school year in the nation.

Adding six more days to the next school year will give teachers more time to work with their students, and give kids more time to learn.

But we won't stop at K-12.

This year, we'll help even more Missouri families afford college.

That's been a top priority of mine since Day One.

On my watch, we led the nation in holding down the cost of tuition.

But the cost of college is still out of reach for too many Missouri families. And too many students who do attend college graduate with crushing debt.

That's why my budget includes more than \$75 million for our Access and Bright Flight scholarships.

And it increases funding for our A+ scholarships, which cover tuition and fees at all our public community colleges.

To qualify for an A+ scholarship, high school students must keep their grades up, have excellent attendance, and stay out of trouble.

Since I've been Governor, we've expanded the A+ program to 150 more schools.

But there are still schools that aren't part of the A+ program, so their students can't even apply for A+ scholarships.

That's unfair to these kids, and we're going to fix it.

This is the year we will expand our A+ scholarship program to every public high school in the state, so that every qualified student in this state has the opportunity to go to community college – tuition free.

The dream of a college education should be within reach for all Missouri families.

Because education is the best economic development tool there is.

While our colleges and universities are doing a great job, and graduating more students than ever before, we're also holding these schools to higher standards than ever before.

Two years ago, I convened a summit to lay out my agenda for higher education.

I challenged the leaders of all our public two- and four-year institutions to develop a new funding model – based on performance.

And that's what we did.

My budget includes an increase of \$34 million for higher education.

But instead of funding schools based merely on what they've received in the past, we'll tie new funding to specific performance goals – like increased student retention, higher graduation rates and improved learning.

We will achieve higher academic goals – with greater accountability.

Now, we've made it our mission to help more high school students graduate, go to college, complete their degrees and enter the workforce.

That's the traditional path. And I'm glad more students are taking it.

But there are nearly 750,000 Missourians who started college but never completed their degrees. They left school, got jobs, started families, moved on with their lives.

At this point, some of these folks may feel that going back to college is too expensive, or too hard to juggle with work and raising kids.

I want to change that and help these adult students finish the degrees they started years ago, so they can get better jobs and meet their full earning potential.

This year, we'll do more to help these adult students finish their degrees online, from an accredited university that's putting down new roots in Missouri.

Let me tell you about its history.

In 1995, 19 governors came together to provide a realistic option to help adult students complete their degrees at an affordable price.

They founded Western Governors University, a nonprofit institution that offers bachelors and masters degrees in four areas Missouri's employers are looking for: business, health care, teacher preparation and information technology.

It's designed to meet the needs of real people with real lives. You can take your tests after work, on weekends or at night, after the kids are asleep.

Instead of paying tuition by the credit hour, students can take as much coursework as they want for a flat rate. And how quickly you earn your degree depends on how quickly you master the subject matter: you advance at your own pace.

The point is that with today's technology, we can make it easier than ever for folks to finish their degrees without disrupting their lives, and help them move up the economic ladder.

In the past three years, Indiana Governor Mitch Daniels, and the states of Texas and Washington have established WGU in their states.

And starting this year, we will begin enrolling students at WGU-Missouri.

We'll be helping Missourians who never finished college, who are underemployed and who need degrees to move up, reach their full potential.

Now that's a mission we can all get behind.

Throughout state government, we've applied business principles to make the most efficient use of taxpayer dollars.

Cutting waste. Doing more with less. Making better use of technology.

And as a result, the state workforce is now the smallest it has been in 19 years.

From the time I became Governor to the end of Fiscal Year 2014, we will have reduced the size of state government by 4,500 positions, and cut \$1.8 billion in state spending.

We've sharply cut energy use, sold off surplus property and reduced leased space.

We've put more state services online – from license plates to child support.

And in addition to applying business principles to make state government more efficient, we must use those same principles to make government more business friendly.

Now, Missouri's already rated one of the Top-Ten best states to do business, because of things like our low tax rates, low workers comp rates, low energy costs and strong workforce.

But talk to small business owners and they'll tell you: there's still too much red tape. Too many bureaucratic hurdles.

We hear those concerns, and we're doing something about it.

First, we need to streamline Missouri's economic incentive programs – and there are a lot of them – so that they're easier to use and understand.

Second, we need to simplify our convoluted environmental permitting process.

Currently, business owners have to go to as many as six commissions at the Department of Natural Resources to get permits. And that's before they turn the first shovel of dirt.

We need to consolidate those commissions into one, to help businesses grow and create jobs.

And while we're at it, I propose that we eliminate another ten commissions at DNR that are redundant and unnecessary.

We can take common-sense steps to cut red tape for businesses – without backing off our commitment to protecting our air, land and water.

We also must address the Second Injury Fund.

This year, let's work together and solve this issue for the benefit of Missouri workers and employers.

In a highly competitive global economy, employers need access to a highly skilled, well-trained workforce.

That's why I've made it a top priority to give Missouri workers the skills they need to compete for the jobs of tomorrow.

Since I've been in office, we've dramatically increased our investment in worker training, helping 150,000 Missouri workers sharpen their skills and get better jobs in their field.

So once again, my budget increases funding for workforce training that's custom-tailored to the needs of Missouri employers.

Investing in Missouri workers' skills – that's real economic development.

But job training doesn't just happen in the classroom or on the work site.

Some of Missouri's best workers got their training serving us in the armed forces.

Helping our veterans get work when they come home is not only honorable and patriotic, it's good for Missouri businesses.

If you're looking for an employee who shows up early, stays late, works hard all day and knows how to overcome adversity – hire a veteran.

In 2010, we launched Show-Me Heroes. We've asked every employer in the state to reach out, recruit and interview veterans first for new job openings.

I'd like to thank all the legislators in this room who helped us strengthen this program by adding job training, so our veterans can re-enter the civilian workforce quickly and be even more successful on the job.

More than 2,700 employers have signed the Show-Me Heroes pledge, putting more than 4,000 of our proud Missouri veterans to work.

And tonight, again, I call on every Missouri business to go to our website – MO.gov – and take the Show-Me Heroes pledge.

Because it's not enough to honor and support our service members abroad.

We must honor and support them at home, with jobs that are worthy of their skills and work ethic.

For the third straight year, I am proud to report that we are shipping more Missouri goods around the world than ever before.

Missouri exports hit record levels in 2010, and topped the \$14 billion mark with double-digit growth in 2011.

And we're on track to break records again.

That's because we're taking a pro-active approach.

In October of 2011, I led a group of Missouri business leaders on a highly successful trade mission to China. We secured agreements to sell \$4.6 billion in Missouri goods.

In April of 2012, we went to Brazil, and signed our first-ever trade agreement with the state of Sao Paulo, the financial capital of one of the world's fastest-growing economies.

And this coming March, I will lead a trade mission to South Korea and Taiwan.

We're making this a priority because it's critical for every business in the state – no matter how small – to think globally.

Because companies that once only did business with customers around the corner are finding new customers around the world.

And when we sell more Missouri products overseas, we're creating more jobs here at home.

That's why my budget includes \$2.3 million to enter new markets, expand foreign trade, and help Missouri businesses develop a world-wide customer base.

One of our export superstars comes from one of Missouri's oldest family-owned businesses, Volpi Foods in St. Louis. Next time you are in

St. Louis, stop by their shop on The Hill.

Volpi is a prime example of a traditional business that with visionary new leadership has broken the mold. With the help of our departments of Agriculture and Economic Development, Volpi has doubled its exports in growing markets like Japan, South Korea, Taiwan and Costa Rica. Please welcome the CEO of Volpi Foods, Lorenza Pasetti.

There's no doubt that Missouri is ready to meet the challenges of a global economy.

But quite frankly, the biggest economic decision facing our state right now is how to move forward on health care.

This isn't the time to re-open the debate or reargue the merits of the President's health care plan. I had some problems with it, and I know many of you did as well.

But Congress passed it – the President signed it – and the Supreme Court upheld it.

It's the law of the land. And it's not within our power to rewrite federal laws, even if we wanted to.

It is within our power – it's our responsibility – to now do what's right for Missouri.

And the question before us is a narrow one.

Will we bring the tax-dollars that Missourians send to Washington back home to strengthen our Medicaid system here in Missouri?

Or will we let the tax dollars that Missourians send to Washington be spent in other states instead?

Other states would get the benefits, and we'd get the bill.

The answer is clear: the people of Missouri deserve to see their tax-dollars come back to their communities.

Friends, let's put the politics of health care aside for just a moment and look at this as a business decision for the state of Missouri.

The Missouri Chamber of Commerce supports the Medicaid expansion – not because they're big supporters of this President and his agenda – but because it's the smart thing to do.

They know that bringing billions of dollars back to Missouri is good for our state's economy.

The Kansas City Chamber of Commerce has endorsed the Medicaid expansion. So have the chambers in Independence, Springfield, Lee's Summit and St. Louis.

So have the Civic Council of Greater Kansas City, Kirksville REDI, and our friends at the Associated Industries of Missouri.

Would the leaders from these business organizations who have joined us tonight because of the importance of this issue please stand?

Thank you for your leadership on this critical issue.

For these business leaders, this is not a political decision. It's an economic one. And we shouldn't let last year's politics get in the way of next year's economic growth.

Moving forward with this plan will bring a total of \$5.7 billion to Missouri for the first three calendar years – at no additional cost to the state.

The University of Missouri estimates this will generate an additional 24,000 jobs – and that's just in 2014.

We're talking about good jobs – for nurses, doctors, pharmacists, therapists and medical technicians.

Strengthening Medicaid will strengthen our economy.

Without question, it's the smart thing to do.

Now I know there are some who have voiced concern that Washington will not live up to its commitment.

Let me address that directly: I support including a provision that rolls back the Medicaid expansion if Washington doesn't honor its financial commitment.

If Washington drops the ball, we'll do what's right for Missouri.

We'll always do what's right for Missouri.

And there's a human element to this that can't be ignored.

A stronger Medicaid system will make health care available to 300,000 of our friends and neighbors.

Let's be clear about who these people are.

They're working Missourians – folks who work day and night, but simply can't afford health coverage.

These are not people who aren't trying, or hoping to game the system.

They're folks we see every day – some holding down two jobs just to make ends meet.

We're talking about a family of four, with a household income of roughly \$32,000 a year.

They wait tables and clean office buildings. They cut hair and trim trees. They work in factories, and repair cars and trucks.

Making it easier for these hardworking Missourians to get basic health insurance is the right thing to do.

And because these folks can't afford doctors' bills or insurance, they often end up in our hospital emergency rooms, because it's the only option for their family.

In their shoes, you'd probably do the same thing.

It's a terrible way to deliver health care.

It drives up premiums for people who do have health insurance.

That must change.

I'm well aware this is a tough issue politically.

But across the country, we're seeing Governors and state legislators put politics aside to do what's undeniably best for their states.

Republican Governors in places like Arizona, North Dakota, New Mexico and Nevada are using federal funds to strengthen their Medicaid systems.

Not because it's the easy thing for them to do politically, but because it's the right thing to do.

Here in Missouri, we must make the smart business decision.

The right human decision.

And bring the tax dollars we send to Washington back to work here in Missouri.

On another health care front, in recent years we have seen the tragic consequences when people with serious mental illness don't get the help they need.

Right now, many people with severe mental illness only get treatment when they reach a crisis point. That's too late.

My budget includes \$10 million to help those with mental illness get timely, effective treatment in their own communities.

That money will be used to:

- Provide more services in our community mental health centers;
- Increase mental health first-aid training for professionals so they can recognize the early warning signs of mental illness.
- Train law enforcement in mental health crisis-intervention;
- And teach families how to care for loved ones who suffer from severe mental illness.

We must do everything in our power to get folks the treatment they need, before it's too late.

Each day in our state and across the country, tragedies occur that don't make headlines, and often don't get reported at all. I am talking about domestic violence.

Last year, our network of shelters for victims of domestic violence provided safe haven for thousands of women and children. But thousands of others were turned away because the shelters were full.

We know that battered women are at greatest risk when they make the courageous decision to leave an abusive partner. Finding shelter can literally make the difference between life and death for these women and for their children.

That is why my budget includes a 29 percent increase in funds to provide more beds, more treatment, more safety at domestic violence shelters throughout our state.

No child – no mother – who has been the victim of domestic violence should ever be turned away and left to fend for themselves during these moments of crisis.

These past four years, we have opened new doors for thousands of Missourians with disabilities.

I'm passionate about this work, as I know many of you in this room are as well.

Together, we passed landmark legislation in 2010 to ensure that children with autism get the medical care they need.

Issues like this transcend politics.

And now thousands of youngsters are getting the therapy that, just a couple years ago, their families couldn't afford.

We will keep moving forward by funding training for more therapists to help even more children with autism lead happier, healthier lives.

In October of 2010, we started the Partnership for Hope.

And it's already helped thousands of people with developmental disabilities live fuller lives.

My budget includes funds to expand this vital program to 1,000 more Missourians, some of whom have spent years waiting for services.

By the end of 2014, we'll be serving more than 3,500 people with developmental disabilities.

Missourians like Vishal Patel. Vishal is 23. He has a rare form of cerebral palsy, and gets around in a motorized wheelchair.

For years Vishal had to crawl, or have his parents carry him upstairs in their home, to take a shower.

The Partnership for Hope provided Vishal with a stair lift, a roll-in shower, a permanent ramp and the physical therapy he needs.

But as he told me in a letter, his real dream was to get a real job – with a real paycheck.

The Partnership arranged for him to volunteer every Friday at a movie theater in St. Peters. And Vishal did so well, that just before Christmas they offered him that real job, with a real paycheck. His first day was January 4th.

Vishal represents the many Missourians with disabilities who are now entering the workforce, thanks to the Partnership for Hope and the enlightened business owners who recognize the value of these outstanding workers.

Vishal is here tonight with his job coach, Pam Westhoff, and Peg Capo, who runs the program in St. Charles County.

Please welcome the newest member of Missouri's workforce, Vishal Patel.

At the start of my speech, I spoke about unique opportunities, and the importance of seizing them.

With our perfect Triple-A credit rating intact and interest rates at all-time lows, we now have a unique opportunity to move forward with a bond issuance.

It would allow us to modernize our K-12 classrooms and college research labs, mental hospitals and state parks. Some of our state's most important buildings need long-overdue improvements, including this one.

Interest rates today are about half of what they were in 1995 when Governor Carnahan issued bonds, and about a third of what they were when Governor Bond did the same in 1983, when interest rates were more than 8 percent.

But the bond issue must be focused on our state's most pressing needs. And we must have a way to pay for it.

When we talk about our state's long-term needs, nothing is more important than our schools.

A bond issuance will allow the state to establish a permanent, low-interest loan fund dedicated to improving our local schools.

Which is why I am proposing the creation of the BOOST Fund. BOOST stands for Building Opportunities in Our Schools Today.

Because, folks, let's not kid ourselves. If we want our children to get a first-rate education and compete in a 21st Century global economy, they'll need first-rate, 21st Century facilities: state-of-the-art computers and science labs, libraries and wired classrooms.

The BOOST Fund will go to work in your communities, in schools in every corner of Missouri.

In addition, a targeted bond issuance will provide funds for cutting-edge university research facilities in areas critical to our competitiveness, such as engineering, math, and science.

Bond proceeds will also allow us to build a new and improved Fulton State Mental Hospital. We have a moral responsibility to these patients and their caregivers to provide the best possible environment: one that is safe, secure and conducive to healing.

Bonds will also pay to upgrade accommodations in our state parks. It's an investment that will have a big impact on tourism.

And tourism is big business in Missouri.

Last year, Missouri welcomed 36 million visitors, pumping nearly \$11 billion into our state's economy. But we can even do better.

Updating our cabins and lodges, and building brand-new, top-of-the-line facilities at our most popular parks will create jobs, help our economy, and make our parks an even bigger draw.

Our 87 state parks and historic sites are a priceless legacy that belongs to all of us. Hunting, fishing, hiking and camping are part of our Missouri way of life.

Investing in Missouri's state parks today will help preserve our outdoor heritage for our grandchildren, and their grandchildren.

As I said before, we can only move forward with a bond issuance if we have a way to pay for it.

Saying "we'll figure it out later" won't work. That's not how we became a Triple-A state.

The way to pay for the bond issuance is to finally get our tax credit system under control.

We've worked on reining in tax credits for years. In 2010, I appointed a statewide, bipartisan, tax credit commission to study the issue.

That commission tapped the expertise of Missouri leaders in business, education, labor and government.

They recommended a series of pragmatic, fiscally responsible reforms to rein in tax credit expenditures and ensure these programs provide a strong return on taxpayers' investment.

But two years later, these reforms have yet to pass, and the costs of inaction continue to grow.

Last year tax credit redemptions grew to a staggering \$629 million – one-twelfth of our entire general revenue budget. That's not fiscally responsible.

This is the year to get comprehensive, fiscally responsible tax credit reform legislation to my desk, and get smart, strategic investments in our state moving forward.

But all of the ideas and proposals I outlined tonight mean very little if the people of Missouri lose faith in the system.

Missouri's ethics laws are among the weakest in the nation.

Every year as Governor, I've put forward my agenda for ethics reform, and I know many of you have made genuine efforts to pass legislation. The list of reforms we must implement is long.

Everything from curbing committee-to-committee transfers to banning office holders from doubling as paid political consultants to finally closing the revolving door between the legislature and lobbyists. All things we must do.

But above all, the single most destructive force to our system is the unlimited sums of money pouring into the campaign accounts of candidates seeking public office.

We must institute – we must re-institute – strict campaign contribution limits.

Each time a wealthy individual or business or special interest sends a check for \$20,000 or \$50,000 or \$100,000 to a candidate, the public's trust erodes a little bit more. And eventually, if we continue on this path, there will be no trust left at all.

I've led the fight for campaign contribution limits for many years.

As Attorney General, I stood before the U.S. Supreme Court and successfully argued in support of Missouri's contribution limits. And as Governor, I stood before you every year and made the case for them.

This year, if the Legislature does not send a campaign contribution limit bill to my desk, I will do everything in my power to get it on the ballot and make sure it passes.

The people of Missouri have voiced their opinion on this matter already at the ballot box and their support for contribution limits was overwhelming. We all know it would pass once again.

Let's work together and get it done this session. The era of unlimited contributions to candidates must end.

These past four years, we've been faced with some historic challenges.

And by working together, we've tackled them head-on ...and made great strides in the Show-Me State.

We've kept our fiscal discipline, balanced the budget and put strict cost controls in place throughout state government.

And as a result, our economy is making solid, steady progress. The signs are everywhere.

Businesses large and small are hiring again.

Missouri's unemployment rate has been lower than the national average for 40 consecutive months.

New building permits are up. Personal income is up, and wages are up.

And now we are in a position to make smart, long-term investments that will boost our children's academic achievement, protect Missourians' health, strengthen our workforce, improve our quality of life and create prosperity for generations to come.

We have unique opportunities before us. Now is the time to seize them.

Just two weeks ago, I stood at the steps of this Capitol, and spoke of my vision for the future of our beloved state:

A future where all our children get an education that prepares them to compete for the best jobs in the global economy;

Where the brightest minds in science and technology advance the frontiers of human knowledge;

Where business and the arts flourish;

Where the bounty of Missouri's farms and fields will feed, clothe and power the planet;

And where the natural beauty of our state is preserved and cherished for all time.

That future is ours to build. And we can only do it by working together.

When I first came to the Capitol in 1987, I was the youngest person in the Senate.

I had a lot to learn. And I was fortunate to serve with many dedicated and capable legislators on both sides of the aisle. They showed me what public service is and what it requires of each of us.

Republicans and Democrats didn't agree on everything back then, just like they don't now.

We had a divided state government, with a Governor of one party, and the other party holding a large majority in the legislature – just like we do now.

But we worked together to get things done for the good of the people.

I've been in public service for a long time. More than a quarter of a century.

And in those many years, my faith in the people of Missouri has never faltered.

My faith in our bedrock values has never wavered.

And I have always been mindful of, and inspired by, the words inscribed on the Great Seal of Missouri, on our flag and in these marble halls:

“Let the Good of the People Be the Supreme Law.”

This is our call to action, our common oath and rallying cry.

This is our sworn duty.

Ours is a sacred calling.

Our time is short.

Let every action we take in these halls and in the offices of government be guided by that supreme law: the good of the people.

Now let us seek God’s everlasting grace and protection to finish the good works He has entrusted to our care.

God bless Missouri.

And God bless the United States of America.

Thank you.

On motion of Senator Richard, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Kehoe.

SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 20, SB 15 and SB 19**, with **SCS, SS for SCS and SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Keaveny offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 and 19, Page 2, Line 12 of said amendment, by striking the opening bracket “[” and the closing bracket “]” as it appears the second time on said line.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 and 19, Page 3, Section 135.090, Line 7 of said page, by inserting immediately after “5.” the following: **“Beginning as of the effective date of this act, the department shall not authorize tax credits under this section in excess of fifty thousand dollars per fiscal year.**

6.”; and

Further amend said bill, page 12, section 135.341, line 7, by striking the words “one million” and inserting in lieu thereof the following: **“seven hundred fifty thousand”**; and

Further amend said bill, page 28, section 135.647, line 8, by striking the word “two million” and inserting in lieu thereof the following: **“one million two hundred fifty thousand”**.

Senator Lager moved that the above amendment be adopted.

Senator Keaveny requested a roll call vote be taken on the adoption of **SA 3** and was joined in his

request by Senators Chappelle-Nadal, Justus, McKenna and Walsh.

Senator Justus offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 and 19, Page 1, Lines 7-9, by striking all of said lines from the amendment.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

At the request of Senator Lager, **SA 3**, as amended, was withdrawn.

Senator Lager offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 and 19, Page 28, Section 135.647, Line 8, by striking the words “two million” and inserting in lieu thereof the following: **“one million two hundred fifty thousand”**.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **SBs 20, 15 and 19**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SS** for **SCS** for **SBs 20, 15 and 19**, as amended, was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Wallingford introduced to the Senate, Mandy Latty, Columbia.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY–TUESDAY, JANUARY 29, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Sater	SB 132-Keaveny and Holsman
SB 127-Sater	SB 133-Keaveny and Holsman
SB 128-Sater	SB 134-Sater
SB 129-Sater	SB 135-Sater
SB 130-Schaefer	SB 136-Sater
SB 131-Nasheed	SB 137-Sater

SB 138-Kraus	SB 178-Schaaf
SB 139-Kehoe	SB 179-Parson, et al
SB 140-Brown	SB 180-Kraus
SB 141-Dempsey	SB 181-Kraus
SB 142-Sifton	SB 182-Kehoe, et al
SB 143-Walsh	SB 183-Sater
SB 144-Walsh	SB 184-Sater
SB 145-Walsh	SB 185-Sater
SB 146-Schaaf	SB 186-Brown
SB 147-Wasson	SB 187-Brown
SB 148-Wasson	SB 188-Romine
SB 149-Keaveny	SB 189-Romine
SB 150-Munzlinger, et al	SB 190-Walsh
SB 151-Curls	SB 191-Lamping
SB 152-Curls	SB 192-Lamping, et al
SB 153-Curls	SB 193-Schaefer
SB 154-Richard	SB 194-Schaaf
SB 155-Nasheed	SB 195-Keaveny
SB 156-Sater	SB 196-Keaveny
SB 157-Sater	SB 197-Sater, et al
SB 158-Sater	SB 198-Chappelle-Nadal
SB 159-Schmitt, et al	SB 199-Chappelle-Nadal
SB 160-Pearce	SB 200-Chappelle-Nadal
SB 161-Pearce	SB 201-Chappelle-Nadal
SB 162-Keaveny	SB 202-Chappelle-Nadal
SB 163-Kraus	SB 203-Chappelle-Nadal
SB 164-Walsh	SB 204-Brown
SB 165-Walsh	SB 205-Sater
SB 166-Schaaf	SB 206-Schaaf
SB 167-Sater and Wallingford	SB 207-Kehoe, et al
SB 168-Chappelle-Nadal	SB 208-Justus and McKenna
SB 169-Chappelle-Nadal	SB 209-Justus
SB 170-Chappelle-Nadal	SB 210-Lamping and Nieves
SB 171-Chappelle-Nadal	SB 211-Rupp
SB 172-Chappelle-Nadal	SB 212-Cunningham
SB 173-Nasheed	SB 213-Kraus
SB 174-Parson	SB 214-Silvey
SB 175-Wallingford	SB 215-Silvey
SB 176-Schmitt, et al	SB 216-Silvey
SB 177-Schmitt	SB 217-LeVota

SB 218-LeVota
SB 219-Sater
SB 220-Lamping
SB 221-Lamping
SB 222-Lamping
SB 223-Curls
SB 224-Curls, et al
SB 225-Curls

SB 226-Schaefer
SJR 8-Dixon
SJR 9-Emery
SJR 10-Nasheed and Walsh
SJR 11-Curls
SJR 12-Sater
SJR 13-Chappelle-Nadal
SJR 14-Schaefer, et al

HOUSE BILLS ON SECOND READING

HCS for HB 110

SENATE BILLS FOR PERFECTION

SBs 10 & 25-Schmitt and Richard, with SCS
SB 47-Lamping, with SCS

SB 48-Lamping

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 4-Schmitt, et al
SCR 5-Lamping

SCR 6-Justus

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Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 29, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...the joy of the Lord is our strength.” (Nehemiah 8:10b)

Gracious God, continue to help us to have a life driven by Your teachings and guided by Your will. Help us be about what may help our world reflect You by the laws we pass and the way we live out each day. And may we be filled with purpose and a life filled with zest, and joy of living that strengthens us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 156, regarding Deborah J. Wisdom, Hartville, which was adopted.

Senator Schaefer offered Senate Resolution No. 157, regarding the Missouri's Youth/Adult Alliance's Youth Ambassador Program, which was adopted.

Senator Kehoe offered Senate Resolution No. 158, regarding Twehous Excavating, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 159, regarding Opies Transport, Incorporated, Eldon, which was adopted.

Senator Kehoe offered Senate Resolution No. 160, regarding Mary Jane Henke, Taos, which was adopted.

Senator Kehoe offered Senate Resolution No. 161, regarding Janis Marie Hamilton, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 162, regarding Laura J. Scott, Jefferson City, which was adopted.

Senators Munzlinger and Justus offered Senate Resolution No. 163, regarding Joe May, Mexico, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 227—By LeVota.

An Act to repeal sections 104.460, 105.262, 105.450, 105.467, 105.472, 105.477, 105.483, 105.489, 105.491, 105.492, 105.956, 105.958, 105.962, 105.964, 105.973, 105.975, 105.977, 115.013, 130.016, 130.042, 130.049, 130.050, 130.054, 130.056, 130.081, 130.086, 130.150, 443.817, and 575.021, RSMo, section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.485 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.485 as enacted by senate substitute for senate committee substitute for house bill no. 2058, ninety-fourth general assembly, second regular session, section 105.955 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.955 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 105.957 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.957 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.959 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general

assembly, second regular session, section 105.959 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.961 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.961 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, ninety-first general assembly, first regular session, section 105.963 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.963 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.966 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, section 105.966 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.011 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.011 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.021 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, section 130.026 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.041 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.041 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.044 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, section 130.046 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.046 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.057 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 676 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to ethics, with existing penalty provisions.

SB 228—By Holsman.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to urban agricultural

zones.

SB 229—By Brown.

An Act to repeal section 630.170, RSMo, and to enact in lieu thereof one new section relating to the mental health employment disqualification registry.

SB 230—By Brown.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

SB 231—By Munzlinger.

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to debt setoffs for unpaid healthcare expenses.

SB 232—By Wallingford.

An Act to repeal section 169.070 and 169.670, RSMo, and to enact in lieu thereof two new sections relating to school employee retirement.

SB 233—By Sater.

An Act to repeal section 195.015, RSMo, and to enact in lieu thereof ten new sections relating to a prescription drug monitoring program, with penalty provisions.

SB 234—By Wasson.

An Act to repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

SB 235—By Cunningham.

An Act to repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan reporting.

COMMITTEE APPOINTMENTS

President Pro Tem Dempsey submitted the following committee appointment:

Appropriations—Senator Parson.

REFERRALS

President Pro Tem Dempsey referred **SCR 4** and **SCR 5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 6—Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 10** and **SB 25**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 10** and **25**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 10 and 25**

An Act to amend chapter 67, RSMo, by adding thereto two new sections relating to incentives to attract amateur sporting events to Missouri.

Was taken up.

President Pro Tem Dempsey assumed the Chair.

Senator Schmitt moved that **SCS** for **SBs 10** and **25** be adopted, which motion prevailed.

At the request of Senator Schmitt, **SCS** for **SBs 10** and **25** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 20, 15** and **19**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SCS** for **SBs 20, 15** and **19** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SCS** for **SBs 10** and **25** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schmitt moved that the vote by which Senate Committee Substitute for Senate Bills Nos. 10 and 25 was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna

Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Chappelle-Nadal—1

Absent—Senators

Rupp Schaefer—2

Absent with leave—Senators—None

Vacancies—None

SCS for **SBs 10** and **25** was again taken up.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 25, Page 5, Section 67.3000, Line 139, by inserting immediately after “2012.” the following: “**No support contract shall be certified unless the site selection organization has chosen to use a location in this state from competitive bids, at least one of which was a bid for a location outside of this state.**”; and

Further amend said bill and page, Section 67.3005, Line 11, by striking the word “four” and inserting in lieu thereof the following: “**two**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

Senator Lager offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 25, Page 4, Section 67.3000, Line 125, by striking the word “three” and inserting in lieu thereof the word “**two**”.

Senator Lager moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schmitt moved that **SCS** for **SBs 10** and **25**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SBs 10** and **25**, as amended, was declared perfected and ordered printed.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 28, 2013

Senator Tom Dempsey

Senate Pro Tem

Missouri State Senate

Jefferson City, MO 65101

Dear Senator Dempsey:

I respectfully resign from the **Joint Committee on Corrections**.

Thank you for your consideration.

Sincerely,

/s/ Maria Chappelle-Nadal
MARIA CHAPPELLE-NADAL
District 14

Also,

January 28, 2013

Senator Tom Dempsey
Senate Pro Tem
Missouri State Senate
Jefferson City, MO 65101

Dear Senator Dempsey:

I respectfully resign from the **Joint Committee on Education**.

Thank you for your consideration.

Sincerely,

/s/ Maria Chappelle-Nadal
MARIA CHAPPELLE-NADAL
District 14

Also,

January 29, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing the following senators to the Joint Committee on Education:

- Senator Jamilah Nasheed
- Senator Jason Holsman

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

RESOLUTIONS

Senator Parson offered Senate Resolution No. 164, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Tait, Lebanon, which was adopted.

Senator Parson offered Senate Resolution No. 165, regarding Ursula M. Mathis, Buffalo, which was adopted.

Senator Pearce offered Senate Resolution No. 166, regarding Chance J. Volesky, Warrensburg, which was adopted.

Senator Schaaf offered Senate Resolution No. 167, regarding Vazquez Commercial Contracting, LLC, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Wallingford and himself, the President introduced to the Senate, Tom Mogelnicki, Cape Girardeau.

Senator Pearce introduced to the Senate, President Chuck Ambrose and Hank Setser, University of Central Missouri, Warrensburg.

Senator Kraus introduced to the Senate, Superintendent Dr. Allan Markley, Raytown C-II School District.

Senator Pearce introduced to the Senate, Cait Kerber, Warrensburg.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY–WEDNESDAY, JANUARY 30, 2013

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 126-Sater	SB 148-Wasson
SB 127-Sater	SB 149-Keaveny
SB 128-Sater	SB 150-Munzlinger, et al
SB 129-Sater	SB 151-Curls
SB 130-Schaefer	SB 152-Curls
SB 131-Nasheed	SB 153-Curls
SB 132-Keaveny and Holsman	SB 154-Richard
SB 133-Keaveny and Holsman	SB 155-Nasheed
SB 134-Sater	SB 156-Sater
SB 135-Sater	SB 157-Sater
SB 136-Sater	SB 158-Sater
SB 137-Sater	SB 159-Schmitt, et al
SB 138-Kraus	SB 160-Pearce
SB 139-Kehoe	SB 161-Pearce
SB 140-Brown	SB 162-Keaveny
SB 141-Dempsey	SB 163-Kraus
SB 142-Sifton	SB 164-Walsh
SB 143-Walsh	SB 165-Walsh
SB 144-Walsh	SB 166-Schaaf
SB 145-Walsh	SB 167-Sater and Wallingford
SB 146-Schaaf	SB 168-Chappelle-Nadal
SB 147-Wasson	SB 169-Chappelle-Nadal

SB 170-Chappelle-Nadal	SB 207-Kehoe, et al
SB 171-Chappelle-Nadal	SB 208-Justus and McKenna
SB 172-Chappelle-Nadal	SB 209-Justus
SB 173-Nasheed	SB 210-Lamping and Nieves
SB 174-Parson	SB 211-Rupp
SB 175-Wallingford	SB 212-Cunningham
SB 176-Schmitt, et al	SB 213-Kraus
SB 177-Schmitt	SB 214-Silvey
SB 178-Schaaf	SB 215-Silvey
SB 179-Parson, et al	SB 216-Silvey
SB 180-Kraus	SB 217-LeVota
SB 181-Kraus	SB 218-LeVota
SB 182-Kehoe, et al	SB 219-Sater
SB 183-Sater	SB 220-Lamping
SB 184-Sater	SB 221-Lamping
SB 185-Sater	SB 222-Lamping
SB 186-Brown	SB 223-Curls
SB 187-Brown	SB 224-Curls, et al
SB 188-Romine	SB 225-Curls
SB 189-Romine	SB 226-Schaefer
SB 190-Walsh	SB 227-LeVota
SB 191-Lamping	SB 228-Holsman
SB 192-Lamping, et al	SB 229-Brown
SB 193-Schaefer	SB 230-Brown
SB 194-Schaaf	SB 231-Munzlinger
SB 195-Keaveny	SB 232-Wallingford
SB 196-Keaveny	SB 233-Sater
SB 197-Sater, et al	SB 234-Wasson
SB 198-Chappelle-Nadal	SB 235-Cunningham
SB 199-Chappelle-Nadal	SJR 8-Dixon
SB 200-Chappelle-Nadal	SJR 9-Emery
SB 201-Chappelle-Nadal	SJR 10-Nasheed and Walsh
SB 202-Chappelle-Nadal	SJR 11-Curls
SB 203-Chappelle-Nadal	SJR 12-Sater
SB 204-Brown	SJR 13-Chappelle-Nadal
SB 205-Sater	SJR 14-Schaefer, et al
SB 206-Schaaf	

HOUSE BILLS ON SECOND READING

HCS for HB 110

THIRD READING OF SENATE BILLS

SS for SCS for SBs 20, 15 & 19-Dixon
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 47-Lamping, with SCS
SB 48-Lamping

SB 1-Rupp, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY—WEDNESDAY, JANUARY 30, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Therefore, my beloved, be steadfast, immovable, always excelling in the work of the Lord, because you know that in the Lord your labor is not in vain.” (I Corinthians 15:57-58)

Gracious Lord, we are thankful for Your presence in our lives and the strength You give us to fulfill our daily task and for providing for our earthly needs. Help us to stay focused on You as we do our work and live through each day as Your own. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 168, regarding Officer Paul Price, which was adopted.

Senator Dempsey offered Senate Resolution No. 169, regarding Detective Doug Endsley, which was adopted.

Senator Dempsey offered Senate Resolution No. 170, regarding Officer Karen Meiser, which was adopted.

Senator Dempsey offered Senate Resolution No. 171, regarding Officer Phil Erdmann, which was adopted.

Senator Dempsey offered Senate Resolution No. 172, regarding Terry A. Zeisler, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 173, regarding Jeanne Stanfill, which was adopted.

Senator Dempsey offered Senate Resolution No. 174, regarding Loria L. James, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 175, regarding Rich Paulson, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 176, regarding Todd Barrow, Saint Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 177, regarding William Fry, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 178, regarding Courtney Baltzell, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 179, regarding Derek Sissom, which was adopted.

Senator Dempsey offered Senate Resolution No. 180, regarding Julie Jackson, which was adopted.

Senator Dempsey offered Senate Resolution No. 181, regarding Daniel Nowack, which was adopted.

Senator Dempsey offered Senate Resolution No. 182, regarding Sergeant Ray Juengst, which was adopted.

Senator Dempsey offered Senate Resolution No. 183, regarding Detective Dave Kleinschmidt, which was adopted.

Senator Dempsey offered Senate Resolution No. 184, regarding James “Jim” Brooks, which was adopted.

Senator Dempsey offered Senate Resolution No. 185, regarding Jim Thro’s Automotive, which was adopted.

Senator Richard offered Senate Resolution No. 186, regarding Furniture Rescue, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 187, regarding Joplin 3D4D Imaging Center, LLC, which was adopted.

Senator Sater offered Senate Resolution No. 188, regarding Mount Vernon Regional Arts Council, which was adopted.

Senator LeVota offered Senate Resolution No. 189, regarding the Fiftieth Anniversary of Blackburn Elementary School, Independence, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 236—By Parson.

An Act to repeal section 43.265, RSMo, and to enact in lieu thereof one new section relating to the highway patrol's motor vehicle, aircraft, and watercraft revolving fund.

SB 237—By Emery.

An Act to repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

SB 238—By Emery.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 239—By Emery.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to elementary and secondary education.

SB 240—By Lager.

An Act to repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations, with an emergency clause for a certain section.

SB 241—By Lager.

An Act to repeal sections 386.020, 392.415, and 392.461, RSMo, and to enact in lieu thereof twelve new sections relating to broadband.

SB 242—By Kehoe.

An Act to repeal section 171.181, RSMo, and to enact in lieu thereof one new section relating to the sale or provision of certain commodities to seven director school districts, with existing penalty provisions.

SB 243—By Brown.

An Act to repeal section 566.093, RSMo, and to enact in lieu thereof one new section relating to the crime of sexual misconduct in the second degree, with a penalty provision.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred SCS for **SBs 10** and **25**, begs leave to report that it has examined the same and finds that the bill has been

truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SBs 10** and **25** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Schmitt assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 47**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 47

An Act to repeal section 453.072, RSMo, and to enact in lieu thereof one new section relating to subsidized legal guardianship of a child.

Was taken up.

Senator Lamping moved that **SCS** for **SB 47** be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **SB 47** was declared perfected and ordered printed.

Senator Lamping moved that **SB 48** be taken up for perfection, which motion prevailed.

On motion of Senator Lamping, **SB 48** was placed on the Informal Calendar.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 28, 2013

Senator Dempsey
President Pro Tem
Rm 326, State Capitol,
Jefferson City, MO 65101

Dear Senator Dempsey,

I write to you requesting my resignation from the Joint Committee on Education. Please contact my office if you have any questions or concerns.

Thank You,

/s/ Joe Keaveny

Senator Joe Keaveny

INTRODUCTIONS OF GUESTS

Senator Wallingford introduced to the Senate, Jay and Cindy Knudtson, Cape Girardeau.

On behalf of Senator Schaefer, Senator Kehoe introduced to the Senate, Director Mona Lara and representatives of Missouri Youth Ambassadors from around the state.

Senator Emery introduced to the Senate, State Vice President Janet Akers, Missouri Cattlemen's Association, Clinton.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY—THURSDAY, JANUARY 31, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Sater	SB 156-Sater
SB 127-Sater	SB 157-Sater
SB 128-Sater	SB 158-Sater
SB 129-Sater	SB 159-Schmitt, et al
SB 130-Schaefer	SB 160-Pearce
SB 131-Nasheed	SB 161-Pearce
SB 132-Keaveny and Holsman	SB 162-Keaveny
SB 133-Keaveny and Holsman	SB 163-Kraus
SB 134-Sater	SB 164-Walsh
SB 135-Sater	SB 165-Walsh
SB 136-Sater	SB 166-Schaaf
SB 137-Sater	SB 167-Sater and Wallingford
SB 138-Kraus	SB 168-Chappelle-Nadal
SB 139-Kehoe	SB 169-Chappelle-Nadal
SB 140-Brown	SB 170-Chappelle-Nadal
SB 141-Dempsey	SB 171-Chappelle-Nadal
SB 142-Sifton	SB 172-Chappelle-Nadal
SB 143-Walsh	SB 173-Nasheed
SB 144-Walsh	SB 174-Parson
SB 145-Walsh	SB 175-Wallingford
SB 146-Schaaf	SB 176-Schmitt, et al
SB 147-Wasson	SB 177-Schmitt
SB 148-Wasson	SB 178-Schaaf
SB 149-Keaveny	SB 179-Parson, et al
SB 150-Munzlinger, et al	SB 180-Kraus
SB 151-Curls	SB 181-Kraus
SB 152-Curls	SB 182-Kehoe, et al
SB 153-Curls	SB 183-Sater
SB 154-Richard	SB 184-Sater
SB 155-Nasheed	SB 185-Sater

SB 186-Brown	SB 219-Sater
SB 187-Brown	SB 220-Lamping
SB 188-Romine	SB 221-Lamping
SB 189-Romine	SB 222-Lamping
SB 190-Walsh	SB 223-Curls
SB 191-Lamping	SB 224-Curls, et al
SB 192-Lamping, et al	SB 225-Curls
SB 193-Schaefer	SB 226-Schaefer
SB 194-Schaaf	SB 227-LeVota
SB 195-Keaveny	SB 228-Holsman
SB 196-Keaveny	SB 229-Brown
SB 197-Sater, et al	SB 230-Brown
SB 198-Chappelle-Nadal	SB 231-Munzlinger
SB 199-Chappelle-Nadal	SB 232-Wallingford
SB 200-Chappelle-Nadal	SB 233-Sater, et al
SB 201-Chappelle-Nadal	SB 234-Wasson
SB 202-Chappelle-Nadal	SB 235-Cunningham
SB 203-Chappelle-Nadal	SB 236-Parson
SB 204-Brown	SB 237-Emery
SB 205-Sater	SB 238-Emery
SB 206-Schaaf	SB 239-Emery
SB 207-Kehoe, et al	SB 240-Lager
SB 208-Justus and McKenna	SB 241-Lager
SB 209-Justus	SB 242-Kehoe
SB 210-Lamping and Nieves	SB 243-Brown
SB 211-Rupp	SJR 8-Dixon
SB 212-Cunningham	SJR 9-Emery
SB 213-Kraus	SJR 10-Nasheed and Walsh
SB 214-Silvey	SJR 11-Curls
SB 215-Silvey	SJR 12-Sater
SB 216-Silvey	SJR 13-Chappelle-Nadal
SB 217-LeVota	SJR 14-Schaefer, et al
SB 218-LeVota	

HOUSE BILLS ON SECOND READING

HCS for HB 110

THIRD READING OF SENATE BILLS

SS for SCS for SBs 20, 15 & 19-Dixon
(In Fiscal Oversight)

SCS for SBs 10 & 25-Schmitt and
Richard (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 48-Lamping

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Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 31, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord waits to be gracious to you.” (Isaiah 3:18)

Heavenly Father, even when our minds stray from You, You are willing to be an ever present help. So we ask that You help us complete this day faithful to what You have for us to do. We would also ask that You help us return to those You have given us to love and be supportive of what they are required to do during our absence and their need of us when we are present. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators

Lager Sater—2

Vacancies—None

The Lieutenant Governor was present.

Senator Kehoe assumed the Chair.

RESOLUTIONS

Senator Wallingford offered Senate Resolution No. 190, regarding Lisa Twidwell, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 191, regarding Crystal Huebschen, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 192, regarding Bob Schwent, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 193, regarding Follis and Sons Funeral Home, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 194, regarding Josh Minx, which was adopted.

Senator Wallingford offered Senate Resolution No. 195, regarding Sheets/Young Foundation, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 196, regarding Dr. Kelly Burlison, Fredericktown, which was adopted.

Senator Dempsey offered Senate Resolution No. 197, regarding Cathy Raftery, which was adopted.

Senator Dempsey offered Senate Resolution No. 198, regarding Albert Chase, which was adopted.

Senator Dempsey offered Senate Resolution No. 199, regarding Michael J. Turner, Sr., which was adopted.

Senator Dempsey offered Senate Resolution No. 200, regarding Steve Goettel, which was adopted.

Senator Dempsey offered Senate Resolution No. 201, regarding Denny Rottger, which was adopted.

Senator Dempsey offered Senate Resolution No. 202, regarding William “Bill” Schnarre, which was adopted.

Senator Dempsey offered Senate Resolution No. 203, regarding Samuel Coldren, which was adopted.

Senator Dempsey offered Senate Resolution No. 204, regarding John J. “Bill” Orf, which was adopted.

Senator Nasheed offered Senate Resolution No. 205, regarding St. Louis ArtWorks, which was adopted.

Senator Wallingford offered Senate Resolution No. 206, regarding Russell B. Welty, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 207, regarding Buchheit Trucking Service, Scott City, which was adopted.

Senator Wallingford offered Senate Resolution No. 208, regarding Rollet Brothers Trucking Company, Incorporated, Perryville, which was adopted.

Senator Wallingford offered Senate Resolution No. 209, regarding Hull Trucking, Old Appleton, which was adopted.

Senator Pearce offered Senate Resolution No. 210, regarding Dylan Scott Conner, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 211, regarding James Bodine, Warrensburg, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 244—By Schaefer.

An Act to repeal section 193.145, RSMo, and to enact in lieu thereof one new section relating to death certificates.

SB 245—By Justus.

An Act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to waiver of court costs and expenses in civil cases.

SB 246—By Walsh.

An Act to repeal sections 9.161 and 143.183, RSMo, and to enact in lieu thereof two new sections relating to the Missouri juneteenth heritage and jazz festival and memorial.

SB 247—By Walsh.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

SB 248—By Wasson.

An Act to repeal section 67.457, RSMo, and to enact in lieu thereof one new section relating to notice of neighborhood improvement districts.

SB 249—By Nasheed.

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance.

SB 250—By Schaaf.

An Act to repeal section 573.037, RSMo, and to enact in lieu thereof one new section relating to possession of child pornography, with penalty provisions.

SB 251—By Kraus and Chappelle-Nadal.

An Act to repeal sections 578.375, 578.377, 578.379, 578.381, 578.383, 578.389, and 578.390, RSMo, and to enact in lieu thereof nine new sections relating to public assistance fraud and abuse, with penalty provisions.

SB 252—By Kraus.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to the copying and retention of source documents used to obtain driver's licenses and nondriver's licenses.

SJR 15—By Schaaf.

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

Senator Walsh requested unanimous consent of the Senate to withdraw **SB 190**, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Randy D. Warner and Michael T. Jinks, as members of the Missouri Propane Gas Commission;

Also,

Margaret Freihaut, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Harold L. Caskey, as a member of the Missouri State Capitol Commission;

Also,

Nanci Bobrow, as a member of the Children's Trust Fund Board;

Also,

Erwin Switzer, as a member of the Saint Louis City Board of Police Commissioners;

Also,

John R. Phillips, Democrat, and Ann K. Covington, Independent, as members of the University of Missouri Board of Curators;

Also,

Melissa Joy Edwards, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

T. Eric Pitman, Republican, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Michael J. LaBeth, Republican, as a member of the Truman State University Board of Governors;

Also,

Brian D. Vesely, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Melinda Nicholson, as a member of the Missouri State Foster Care and Adoption Board;

Also,

Jay Bradley Knudtson, Republican, as a member of the Southeast Missouri State University Board of Regents;

Also,

Danny R. Rowden and Michael D. Hall, as members of the Advisory Committee for 911 Service Oversight;

Also,

John Young and Kerry Messer, as members of the Child Abuse and Neglect Review Board;

Also,

Edward J. Tabash, Republican, as a member of the Regional Convention and Sports Complex Authority;

Also,

Gregory Mills, as a member of the Peace Officer Standards and Training Commission;

Also,

Kelly J. Scott, Lisa A. Green and Rhonda Shimmens, as members of the Missouri State Board of Nursing;

Also,

Cynthia S. Curnutte, as a member of the Interior Design Council;

Also,

Brent Rosenblad, as a member of the Seismic Safety Commission;

Also,

Nancy Johnston, as Director of the Division of Personnel for the Office of Administration;

Also,

Brian K. Long, as Director of the Department of Revenue; and

Lori A. Bruce, as a member of the Advisory Commission for Dental Hygienists.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SBs 10** and **25** and **SS** for **SCS** for **SBs 20, 15** and **19**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 20, 15 and 19, introduced by Senator Dixon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 20, 15 and 19

An Act to repeal sections 135.090, 135.326, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof nine new sections relating to certain benevolent tax credits, with an emergency clause.

Was taken up.

On motion of Senator Dixon, **SS for SCS for SBs 20, 15 and 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Lager Sater—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Lager Sater—2

Vacancies—None

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SBs 10** and **25**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 10 and 25**

An Act to amend chapter 67, RSMo, by adding thereto two new sections relating to incentives to attract amateur sporting events to Missouri.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **SCS** for **SBs 10** and **25** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Chappelle-Nadal	Emery	Kraus	Schaaf—4
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Absent—Senators—None

Absent with leave—Senators

Lager	Sater—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 47**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the bill do pass, and be placed on the Consent Calendar.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 33**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 126—Judiciary and Civil and Criminal Jurisprudence.

SB 127—Veterans' Affairs and Health.

SB 128—Governmental Accountability and Fiscal Oversight.

SB 129—Financial and Governmental Organizations and Elections.

SB 130—Transportation and Infrastructure.

SB 131—Veterans' Affairs and Health.

SB 132—Education.

SB 133—Education.

SB 134—Small Business, Insurance and Industry.

SB 135—Financial and Governmental Organizations and Elections.

- SB 136**—Transportation and Infrastructure.
- SB 137**—Jobs, Economic Development and Local Government.
- SB 138**—Ways and Means.
- SB 139**—Judiciary and Civil and Criminal Jurisprudence.
- SB 140**—Commerce, Consumer Protection, Energy and the Environment.
- SB 141**—Transportation and Infrastructure.
- SB 142**—Judiciary and Civil and Criminal Jurisprudence.
- SB 143**—Judiciary and Civil and Criminal Jurisprudence.
- SB 144**—Rules, Joint Rules, Resolutions and Ethics.
- SB 145**—Financial and Governmental Organizations and Elections.
- SB 146**—Veterans’ Affairs and Health.
- SB 147**—Small Business, Insurance and Industry.
- SB 148**—Transportation and Infrastructure.
- SB 149**—Agriculture, Food Production and Outdoor Resources.
- SB 150**—General Laws.
- SB 151**—Judiciary and Civil and Criminal Jurisprudence.
- SB 152**—Judiciary and Civil and Criminal Jurisprudence.
- SB 153**—Seniors, Families and Pensions.
- SB 154**—Small Business, Insurance and Industry.
- SB 155**—Agriculture, Food Production and Outdoor Resources.
- SB 156**—Small Business, Insurance and Industry.
- SB 157**—Commerce, Consumer Protection, Energy and the Environment.
- SB 158**—Small Business, Insurance and Industry.
- SB 159**—Small Business, Insurance and Industry.
- SB 160**—Small Business, Insurance and Industry.
- SB 161**—Small Business, Insurance and Industry.
- SB 162**—Judiciary and Civil and Criminal Jurisprudence.
- SB 163**—Jobs, Economic Development and Local Government.
- SB 164**—General Laws.
- SB 165**—Transportation and Infrastructure.
- SB 166**—Ways and Means.
- SB 167**—Financial and Governmental Organizations and Elections.

- SB 168**—Education.
- SB 169**—Education.
- SB 170**—Financial and Governmental Organizations and Elections.
- SB 171**—Education.
- SB 172**—Jobs, Economic Development and Local Government.
- SB 173**—Education.
- SB 174**—Ways and Means.
- SB 175**—Judiciary and Civil and Criminal Jurisprudence.
- SB 176**—Transportation and Infrastructure.
- SB 177**—Financial and Governmental Organizations and Elections.
- SB 178**—Veterans’ Affairs and Health.
- SB 179**—Ways and Means.
- SB 180**—Veterans’ Affairs and Health.
- SB 181**—Rules, Joint Rules, Resolutions and Ethics.
- SB 182**—Transportation and Infrastructure.
- SB 183**—Judiciary and Civil and Criminal Jurisprudence.
- SB 184**—Judiciary and Civil and Criminal Jurisprudence.
- SB 185**—Judiciary and Civil and Criminal Jurisprudence.
- SB 186**—Veterans’ Affairs and Health.
- SB 187**—Transportation and Infrastructure.
- SB 188**—Judiciary and Civil and Criminal Jurisprudence.
- SB 189**—Judiciary and Civil and Criminal Jurisprudence.
- SB 191**—Governmental Accountability and Fiscal Oversight.
- SB 192**—Transportation and Infrastructure.
- SB 193**—Education.
- SB 194**—Veterans’ Affairs and Health.
- SB 195**—Education.
- SB 196**—Judiciary and Civil and Criminal Jurisprudence.
- SB 197**—Veterans’ Affairs and Health.
- SB 198**—Agriculture, Food Production and Outdoor Resources.
- SB 199**—Seniors, Families and Pensions.
- SB 200**—Education.

SB 201—Veterans’ Affairs and Health.

SB 202—Judiciary and Civil and Criminal Jurisprudence.

SB 203—Seniors, Families and Pensions.

SB 204—Jobs, Economic Development and Local Government.

SB 205—Seniors, Families and Pensions.

SB 206—General Laws.

SB 207—Commerce, Consumer Protection, Energy and the Environment.

SB 208—Seniors, Families and Pensions.

SB 209—Education.

SB 210—Education.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 212, regarding D&D Sexton, Incorporated, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 213, regarding Frontier Leasing, Incorporated, Joplin, which was adopted.

Senator Schaefer offered Senate Resolution No. 214, regarding Dr. M. Frederick Hawthorne, which was adopted.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 16, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing the following senators to the Joint Committee on Corrections:

- Senator Jamilah Nasheed
- Senator Paul LeVota

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 30, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Mike Kehoe to the following board:

- Joint Committee on Public Employee Retirement

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 30, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing the following senator to the Joint Committee on Tax Policy:

- Senator Maria Chappelle-Nadal

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Senator Justus submitted the following:

January 31, 2013

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

Pursuant to the provisions of section 21.795 RSMo, I am vested with the authority to appoint two current vacancies on the Joint Committee on Transportation Oversight. Please let this correspondence serve as my appointment of the following members of the minority caucus to that committee.

Senator Jamilah Nasheed

Senator Jason Holsman

If there are any questions, please do not hesitate to contact my office.

Sincerely,
/s/ Jolie Justus
Jolie Justus

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, representatives of CLIMB High, Warrensburg.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, Columbia.

Senator Wallingford introduced to the Senate, Scott Pietreface, Cape Girardeau; and Lauren Cole and Richard Proffor, Jackson.

Senator Emery introduced to the Senate, Rachel and Beth Blunk, Raymore; Phoebe Grubbs, Kansas City; Tyler Bowdish, Grandview; Ian Maupin, St. Louis; and Cassia Brown, Licking, representatives of Missouri Teen Pact Leadership School.

On behalf of Senator Kehoe, the President introduced to the Senate, Amy Brauner, Phyllis Struempf,

Cathy Bertolotti and seventh grade students from St. Peter Interparish School, Jefferson City.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, February 4, 2013.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 211-Rupp	SB 236-Parson
SB 212-Cunningham	SB 237-Emery
SB 213-Kraus	SB 238-Emery
SB 214-Silvey	SB 239-Emery
SB 215-Silvey	SB 240-Lager
SB 216-Silvey	SB 241-Lager
SB 217-LeVota	SB 242-Kehoe
SB 218-LeVota	SB 243-Brown
SB 219-Sater	SB 244-Schaefer
SB 220-Lamping	SB 245-Justus
SB 221-Lamping	SB 246-Walsh
SB 222-Lamping	SB 247-Walsh
SB 223-Curls	SB 248-Wasson
SB 224-Curls, et al	SB 249-Nasheed
SB 225-Curls	SB 250-Schaaf
SB 226-Schaefer	SB 251-Kraus and Chappelle-Nadal
SB 227-LeVota	SB 252-Kraus
SB 228-Holsman	SJR 8-Dixon
SB 229-Brown	SJR 9-Emery
SB 230-Brown	SJR 10-Nasheed and Walsh
SB 231-Munzlinger	SJR 11-Curls
SB 232-Wallingford	SJR 12-Sater
SB 233-Sater, et al	SJR 13-Chappelle-Nadal
SB 234-Wasson	SJR 14-Schaefer, et al
SB 235-Cunningham	SJR 15-Schaaf

HOUSE BILLS ON SECOND READING

HCS for HB 110

THIRD READING OF SENATE BILLS

SCS for SB 47-Lamping

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS

SB 7-Pearce, with SCS

SB 3-Rupp

SB 21-Dixon

SB 22-Dixon

SB 33-Lamping, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 16-Munzlinger

✓

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Those who counsel peace know joy.” (Proverbs 12:20)

Almighty God, on such a beautiful day, it is hard to look about us and not see Your presence and You provide us guidance so that we might know the joy that comes from knowing You. May we this week be about those things that lead us to You and do the things You require so we live and speak and act as we should with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 31, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Brown offered Senate Resolution No. 215, regarding Kenneth Bassett, which was adopted.

Senator Cunningham offered Senate Resolution No. 216, regarding Robert Kline, Gainesville, which was adopted.

Senator Cunningham offered Senate Resolution No. 217, regarding Rick Mosher, which was adopted.

Senator Parson offered Senate Resolution No. 218, regarding Tim MacLean State Farm Insurance Agency, Sedalia, which was adopted.

Senator Richard offered Senate Resolution No. 219, regarding the Fiftieth Anniversary of Crowder College, Neosho, which was adopted.

Senator Nasheed offered Senate Resolution No. 220, regarding the Arts and Education Council of Saint Louis, which was adopted.

Senator Wasson offered Senate Resolution No. 221, regarding Andrew Grey Jones, which was adopted.

Senator Wasson offered Senate Resolution No. 222, regarding Adam Nicholas DeGood, which was adopted.

Senator Wasson offered Senate Resolution No. 223, regarding James Luke Thomas, which was adopted.

Senator Wasson offered Senate Resolution No. 224, regarding Daniel Steven Akeson, which was adopted.

Senator Wasson offered Senate Resolution No. 225, regarding Michael Steven Akeson, which was adopted.

Senator Holsman offered Senate Resolution No. 226, regarding Gerry Marlin, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 253—By Justus.

An Act to repeal sections 32.057, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911, 143.1001, 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.165, 214.410, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353, 252.235, 260.207, 260.208, 260.211, 260.212, 260.379, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.321, 302.500, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096,

338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.026, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.105, 559.106, 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020, 565.021, 565.023, 565.024, 565.025, 565.030, 565.032, 565.035, 565.040, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.025, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.086, 566.090, 566.093, 566.095, 566.100, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072, 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.130, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190, 570.200, 570.210, 570.215, 570.217, 570.219, 570.220, 570.222, 570.223, 570.224, 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.310, 570.380, 571.010, 571.014, 571.015, 571.017, 571.020, 571.030, 571.045, 571.050, 571.060, 571.063, 571.070, 571.072, 571.080, 571.085, 571.087, 571.093, 571.095, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.150, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 572.110, 572.120, 573.010, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020, 574.030, 574.040, 574.050, 574.060, 574.070, 574.085, 574.105, 574.115, 575.020, 575.021, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.350, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.026, 577.029, 577.031, 577.037, 577.039, 577.041, 577.049, 577.051, 577.052, 577.054,

577.060, 577.065, 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080, 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.075, 578.095, 578.100, 578.105, 578.106, 578.110, 578.120, 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445, 578.450, 578.500, 578.501, 578.502, 578.503, 578.510, 578.520, 578.525, 578.530, 578.570, 578.614, 589.425, 610.125, 630.155, 630.165, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof seven hundred twenty-three new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date for a certain section and an expiration date for a certain section.

SB 254—By Pearce.

An Act to repeal section 408.140, RSMo, and to enact in lieu thereof one new section relating to loan fees.

SB 255—By Schmitt and Schaefer.

An Act to repeal section 287.610, RSMo, and to enact in lieu thereof one new section relating to the administrative law judge review committee.

SB 256—By Silvey.

An Act to repeal sections 210.950 and 211.447, RSMo, and to enact in lieu thereof two new sections relating to the safe place for newborns act.

SB 257—By Silvey.

An Act to repeal sections 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, and 68.259, RSMo, and to enact in lieu thereof ten new sections relating to port improvement districts.

SB 258—By LeVota.

An Act to repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof four new

sections relating to the board of directors of the Kansas City school district.

SB 259—By Schaaf.

An Act to repeal sections 192.020 and 192.131, RSMo, and to enact in lieu thereof two new sections relating to reportable infectious diseases.

SB 260—By Brown.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to reimbursement of nonparticipating facility-based providers.

Senator Richard requested unanimous consent of the Senate to suspend Senate Rule 49 for the purpose of printing **SB 253**, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Schaefer moved that the committee report be adopted and the Senate do give its advice and consent to the appointment of Douglas E. Nelson, as Commissioner of Administration, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 1**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal sections 287.067, 287.120, 287.140, 287.210, 287.220, 287.690, 287.715, and 287.745, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Was taken up.

Senator Rupp moved that **SCS** for **SB 1** be adopted.

Senator Kehoe assumed the Chair.

Senator Silvey assumed the Chair.

Senator Rupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1, Page 15, Section 287.220, Lines 116-117, by striking “and with the express authorization of the majority of the second injury fund commission” and inserting in lieu thereof the following: “, **president pro tempore of the senate, and the speaker of the house of representatives**”; and further amend lines 120-121, by striking “and with the express authorization of a majority of the second injury fund commission” and inserting in lieu thereof the following: “, **president pro tempore of the senate, and the speaker of the house of representatives**”; and

Further amend said bill, page 23, section 287.715, lines 107-126, by striking all of said lines.

Senator Rupp moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1, Page 20, Section 287.715, Line 20, by striking “2006” and inserting in lieu thereof the following: “**2014**”; and further amend line 21, by striking the word “three” and inserting in lieu thereof the following: “**four and one-half**”; and

Further amend said bill and section, page 22, lines 83-99, by striking all of said lines; and further renumber the remaining subsections accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Holsman offered **SA 1** to **SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 1, Page 1, Section 287.715, Lines 4-5, by striking “four and one-half” and inserting in lieu thereof the following: “**seven**”; and

Further amend said amendment, line 8, by inserting immediately after all of said line the following: “And further amend page 23 of said bill, section 287.715, lines 105-106 by striking all of said lines and renumbering subsequent subsections accordingly.”

Senator Holsman moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

Senator Silvey assumed the Chair.

At the request of Senator Rupp, **SB 1**, with **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 4, 2013

REORGANIZATION PLAN NO. 1

2013

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2013, by Executive Order 13-01, to transfer the Center for Emergency Response and Terrorism from the Department of Health and Senior Services and assign it, and all of its responsibilities and functions, to the Department of Public Safety. The Center for Emergency Response and Terrorism will retain all functions

and authority as provided by law. The Department of Public Safety shall furnish administrative support and staff as is necessary for the effective operation of the Center for Emergency Response and Terrorism.

Respectfully submitted,
/s/ Jeremiah W. (Jay) Nixon
Jeremiah W. (Jay) Nixon
Governor

EXECUTIVE ORDER

13-01

WHEREAS, the Department of Public Safety, created pursuant to Article IV, Section 48 of the Missouri Constitution and Chapter 650, RSMo, is responsible for providing coordination between local, state, and federal agencies in regard to public safety and law enforcement programs; and

WHEREAS, the State Emergency Management Agency (SEMA), established pursuant to Section 44.020, RSMo, is a division of the Department of Public Safety and responsible for assisting federal, state, local and faith-based activities related to emergency functions by coordinating response, recovery, planning and mitigation; and

WHEREAS, the Office of Homeland Security, established within the Department of Public Safety, is responsible for coordinating activities to promote unity of effort among federal, state, local, private sector, and citizen activities related to emergency preparedness and homeland security; and

WHEREAS, the Department of Public Safety oversees the coordinated emergency response to natural and man-made disasters on behalf of the State of Missouri and coordinates emergency response planning and preparedness through SEMA and the Office of Homeland Security using an all-hazard approach; and

WHEREAS, the Department of Health and Senior Services, established pursuant to Chapter 192, RSMo, is responsible for public health and aging issues; and

WHEREAS, the Center for Emergency Response and Terrorism is located within the Department of Health and Senior Services to coordinate emergency response and preparedness among public health agencies relating to terrorism, natural disasters, and pandemic; and

WHEREAS, transferring the Center for Emergency Response and Terrorism's response, planning, and preparedness responsibilities to the Department of Public Safety will promote coordination and consistency among emergency response agencies; and

WHEREAS, I am committed to prudently consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Department of Health and Senior Services and the Department of Public Safety to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of all emergency response, planning, and preparedness responsibilities within the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety, by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop mechanisms and processes necessary to effectively transfer these duties and functions to the Department of Public Safety; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective no sooner than August 28, 2013, unless disapproved within sixty days of its submission to the First Regular Session of the Ninety-Seventh General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2013.

JEREMIAH W. (JAY) NIXON
GOVERNOR

ATTEST:

JASON KANDER
SECRETARY OF STATE

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

February 4, 2013

REORGANIZATION PLAN NO. 2
2013

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2013, by Executive Order 13-02, to transfer post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development and assign those responsibilities and functions to the Department of Revenue. The Department of Revenue shall furnish administrative support and staff as is necessary for the effective operation of the post-issuance compliance functions for tax credit and job incentive programs administered by the Department of Economic Development.

Respectfully submitted,
/s/ Jeremiah W. (Jay) Nixon
Jeremiah W. (Jay) Nixon
Governor

EXECUTIVE ORDER

13-02

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 36(a) of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, the Missouri Department of Revenue is created pursuant to Article IV, Section 22, of the Missouri Constitution and Chapter 32, RSMo; and

WHEREAS, the Missouri Department of Economic Development's mission is to promote economic growth and job creation; and

WHEREAS, the Missouri Department of Revenue is a regulatory agency charged with collecting revenue and ensuring compliance with Missouri's tax laws; and

WHEREAS, the Missouri Department of Economic Development administers tax credit and job incentive programs; and

WHEREAS, the Missouri Department of Revenue currently performs various functions related to tax credit and job incentive programs, including those associated with the redemption of tax credits issued through the programs administered by the Missouri Department of Economic Development; and

WHEREAS, the Missouri Department of Revenue is positioned to perform post-issuance compliance functions related to such tax credit and job incentive programs; and

WHEREAS, transferring these post-issuance compliance functions to the Missouri Department of Revenue will provide greater efficiency and accountability in the state's tax credit and job incentive programs; and

WHEREAS, transferring these post-issuance compliance functions to the Missouri Department of Revenue will enable the Missouri Department of Economic Development to provide greater focus on its core mission of expanding the state's economy; and

WHEREAS, I am committed to integrating and consolidating government operations to provide for the most efficient and effective use of resources; and

WHEREAS, the transfer of these post-issuance compliance functions from the Missouri Department of Economic Development to the Missouri Department of Revenue will make state government more efficient and effective.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Missouri Department of Economic Development and the Missouri Department of Revenue to cooperate to:

1. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue, by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop mechanisms and processes necessary to effectively transfer the above-referenced functions to the Missouri Department of Revenue; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective no sooner than August 28, 2013, unless disapproved within sixty days of its submission to the First Regular Session of the Ninety-Seventh General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2013.

JEREMIAH W. (JAY) NIXON
GOVERNOR

ATTEST:

JASON KANDER
SECRETARY OF STATE

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

February 4, 2013

REORGANIZATION PLAN NO. 3

2013

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2013, by Executive Order 13-03, to

transfer the Division of Energy from the Department of Natural Resources and assign it, and all of its responsibilities and functions, to the Department of Economic Development. The Division of Energy will retain all functions and authority as provided by law. The Department of Economic Development shall furnish administrative support and staff as is necessary for the effective operation of the Division of Energy.

Respectfully submitted,
/s/ Jeremiah W. (Jay) Nixon
Jeremiah W. (Jay) Nixon
Governor

EXECUTIVE ORDER

13-03

WHEREAS, the Missouri Department of Natural Resources is created pursuant Article IV, Section 47 of the Missouri Constitution and Chapter 640, RSMo; and

WHEREAS, the Division of Energy, located within the Missouri Department of Natural Resources, is responsible for promoting energy efficiency and security through policy development, research, and educational outreach; and

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 36(a) of the Missouri Constitution and Chapter 620, RSMo, and is charged with promoting economic growth and job creation; and

WHEREAS, energy production and efficiency are crucial to moving Missouri's economy forward; and

WHEREAS, I am committed to integrating and consolidating governmental operations to provide for the most efficient and effective use of resources; and

WHEREAS, the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development will benefit the State of Missouri by creating efficiencies through a better alignment of goals which will help promote the development, security, and affordability of diverse energy sources essential to the future of Missouri's economy.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Missouri Department of Natural Resources and the Missouri Department of Economic Development to cooperate to:

1. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
2. Develop the mechanisms and processes necessary to effectively transfer the Division of Energy to the Missouri Department of Economic Development; and
3. Take the steps necessary to maintain compliance with federal requirements so as not to jeopardize federal financial participation with this transfer.

This order shall become effective no sooner than August 28, 2013, unless disapproved within sixty days of its submission to the First Regular Session of the Ninety-Seventh General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2013.

JEREMIAH W. (JAY) NIXON
GOVERNOR

ATTEST:

JASON KANDER
SECRETARY OF STATE

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 31, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Wayne Wallingford to the Joint Committee on Legislative Research.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 31, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Brian Munzlinger to the Joint Committee on Transportation Oversight.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 31, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Will Kraus to the Joint Committee on Tax Policy.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 31, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Ed Emery to the Joint Committee on Government Accountability.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 31, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Bob Dixon to the Joint Committee on Court Automation.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 31, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Dan Brown to the Joint Committee on MO HealthNet.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 211-Rupp	SB 240-Lager
SB 212-Cunningham	SB 241-Lager
SB 213-Kraus	SB 242-Kehoe
SB 214-Silvey	SB 243-Brown
SB 215-Silvey	SB 244-Schaefer
SB 216-Silvey	SB 245-Justus
SB 217-LeVota	SB 246-Walsh
SB 218-LeVota	SB 247-Walsh
SB 219-Sater	SB 248-Wasson
SB 220-Lamping	SB 249-Nasheed
SB 221-Lamping	SB 250-Schaaf
SB 222-Lamping	SB 251-Kraus and Chappelle-Nadal
SB 223-Curls	SB 252-Kraus
SB 224-Curls, et al	SB 253-Justus
SB 225-Curls	SB 254-Pearce
SB 226-Schaefer	SB 255-Schmitt and Schaefer
SB 227-LeVota	SB 256-Silvey
SB 228-Holsman	SB 257-Silvey
SB 229-Brown	SB 258-LeVota
SB 230-Brown	SB 259-Schaaf
SB 231-Munzlinger	SB 260-Brown
SB 232-Wallingford	SJR 8-Dixon
SB 233-Sater, et al	SJR 9-Emery
SB 234-Wasson	SJR 10-Nasheed and Walsh
SB 235-Cunningham	SJR 11-Curls
SB 236-Parson	SJR 12-Sater
SB 237-Emery	SJR 13-Chappelle-Nadal
SB 238-Emery	SJR 14-Schaefer, et al
SB 239-Emery	SJR 15-Schaaf

HOUSE BILLS ON SECOND READING

HCS for HB 110

THIRD READING OF SENATE BILLS

SCS for SB 47-Lamping

SENATE BILLS FOR PERFECTION

SB 7-Pearce, with SCS
SB 3-Rupp
SB 21-Dixon

SB 22-Dixon
SB 33-Lamping, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS, SA 2 & SA 1 to SA 2
(pending)

SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 16-Munzlinger

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom consists in doing the next thing you have to do; doing it with your whole heart and finding delight in doing it.” (Meister Eckart)

Gracious God, as we rush through this day, may we put our total selves into what must be done so it may not have to be redone. Help us, therefore, to be mindful of the small things, such as small acts of kindness and courtesy, caring and shared joy. Help us embrace all that is about us completely being present with all we encounter. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from Missouri News Horizon, Missouri Lawyers Media and KCTV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Holsman offered Senate Resolution No. 227, regarding Fred L. Wilson, Warrensburg, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 261—By Rupp.

An Act to repeal section 138.431, RSMo, and to enact in lieu thereof one new section relating to the assignment of hearing officers by the state tax commission.

SB 262—By Curls.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the reimbursement of covered health care services provided through telemedicine, with an effective date.

SB 263—By Curls.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to the creation of the crime of assaulting an employee of a mass transit system while in the scope of his or her duties, with penalty provisions.

SB 264—By Dempsey.

An Act to repeal section 321.310, RSMo, and to enact in lieu thereof one new section relating to petitions to exclude property from a fire protection district.

SJR 16—By Kehoe and McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

Senator Lager assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 1**, with **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Rupp, **SA 2** was withdrawn, rendering **SA 1** to **SA 2** moot.

Senator Rupp offered **SS** for **SCS** for **SB 1**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal sections 287.067, 287.120, 287.140, 287.210, 287.220, 287.690, 287.715, and 287.745, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Senator Rupp moved that **SS** for **SCS** for **SB 1** be adopted.

Senator Holsman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 31, Section 287.715, Line 28, by striking “three” and inserting in lieu thereof “**seven**”.

Senator Holsman moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

Senator Sifton offered **SA 1** to **SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 1, Section 287.715, Line 2, by striking “seven” and inserting in lieu thereof “**four**”.

Senator Sifton moved that the above amendment be adopted, which motion failed.

SA 1 was again taken up.

At the request of Senator Holsman, **SA 1** was withdrawn.

Senator Pearce assumed the Chair.

Senator Walsh offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Pages 1-3, Section 287.067, by striking all of said section from the bill; and

Further amend said bill, pages 3-7, section 287.120, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 1**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 110**—Financial and Governmental Organizations and Elections.

On motion of Senator Richard, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator LeVota offered Senate Resolution No. 228, regarding Ashton James “A.J.” Harris, Independence, which was adopted.

Senator Parson offered Senate Resolution No. 229, regarding Jordan Michael Edward Powers, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 1**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Kehoe assumed the Chair.

Senator Walsh moved that **SA 2** be adopted, which motion failed.

Senator Walsh offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 3, Section 287.067, Line 25, by inserting at the end of said line the following: “**Diseases associated with or caused by asbestos exposure, which shall include malignant mesothelioma, asbestosis, and asbestos related cancers of the lung, colon, and other organs shall not be occupational diseases for the purposes of the chapter. Compensation for such diseases shall not be recoverable nor provided for under this chapter.**”.

Senator Walsh moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 1**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

Senator Pearce moved that **SB 7**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 7

An Act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof three new sections relating to school accreditation, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS** for **SB 7** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 7** was declared perfected and ordered printed.

COMMUNICATIONS

Senator Justus submitted the following:

February 5, 2013

Terry Spieler – Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Terry:

Pursuant to the provisions of section 41.1010, I am granted with the authority as Minority Floor Leader to appoint a member of the Senate to

the Missouri Military Preparedness and Enhancement Commission. I hereby appoint Senator Jason Holsman to this commission.

Sincerely,
/s/ Jolie Justus
Jolie Justus

President Pro Tem Dempsey submitted the following:

February 5, 2013

Senator Tom Dempsey – President Pro-Tem
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Dempsey:

With this correspondence I hereby resign from the Joint Committee on Capitol Improvements and Leases Oversight. I recommend that you appoint Senator Gina Walsh as my replacement.

Sincerely,
/s/ Jolie Justus
Jolie Justus

Also,

February 5, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Gina Walsh to the Joint Committee on Capitol Improvements and Leases Oversight. Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Jacob Scott and Mary Beth Rosenauer, Savannah; Brian Shewell, Excelsior Springs; Monterio Seewood, Kansas City; Ahmat Shah Salimee, St. Joseph, students from Missouri Western State University.

Senator LeVota introduced to the Senate, Rory Rowland, Independence.

Senator Lamping introduced to the Senate, Julie Blatz, Clayton.

Senator Lager introduced to the Senate, representatives of Great Northwest Days.

On behalf of Senators Kehoe, Parson and himself, Senator Pearce introduced to the Senate, Josh Thompson, Morgan Simpson and John Donnell, representatives of Missouri Athletic Trainers' Association.

Senator Romine introduced to the Senate, Dr. Ray Comiskey, President, Jefferson College, Hillsboro.

Senator Dixon introduced to the Senate, Andy Pruett, Jason Dunn, Jon Howerton and students from the Division of Youth Services Community Learning Center, Springfield.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 211-Rupp	SB 241-Lager
SB 212-Cunningham	SB 242-Kehoe
SB 213-Kraus	SB 243-Brown
SB 214-Silvey	SB 244-Schaefer
SB 215-Silvey	SB 245-Justus
SB 216-Silvey	SB 246-Walsh
SB 217-LeVota	SB 247-Walsh
SB 218-LeVota	SB 248-Wasson
SB 219-Sater	SB 249-Nasheed
SB 220-Lamping	SB 250-Schaaf
SB 221-Lamping	SB 251-Kraus and Chappelle-Nadal
SB 222-Lamping	SB 252-Kraus
SB 223-Curls	SB 253-Justus
SB 224-Curls, et al	SB 254-Pearce
SB 225-Curls	SB 255-Schmitt and Schaefer
SB 226-Schaefer	SB 256-Silvey
SB 227-LeVota	SB 257-Silvey
SB 228-Holsman	SB 258-LeVota
SB 229-Brown	SB 259-Schaaf
SB 230-Brown	SB 260-Brown
SB 231-Munzlinger	SB 261-Rupp
SB 232-Wallingford	SB 262-Curls
SB 233-Sater, et al	SB 263-Curls
SB 234-Wasson	SB 264-Dempsey
SB 235-Cunningham	SJR 8-Dixon
SB 236-Parson	SJR 9-Emery
SB 237-Emery	SJR 10-Nasheed and Walsh
SB 238-Emery	SJR 11-Curls
SB 239-Emery	SJR 12-Sater
SB 240-Lager	SJR 13-Chappelle-Nadal

SJR 14-Schaefer, et al
SJR 15-Schaaf

SJR 16-Kehoe and McKenna

THIRD READING OF SENATE BILLS

SCS for SB 47-Lamping

SENATE BILLS FOR PERFECTION

SB 3-Rupp
SB 21-Dixon

SB 22-Dixon
SB 33-Lamping, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS, SS for SCS &
SA 3 (pending)

SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 16-Munzlinger

✓

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Satisfy us in the morning with your steadfast love, so that we may rejoice and be glad all our days.” (Psalm 90:14)

Loving Father, we began this morning in prayer and appreciated that time with You in quiet and with each other learning of Your word and about each other. We pray that throughout this day we may find our hearts full of peace and joy and give thanks for Your many blessings as we do our work and share our time with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 230, regarding Nathan Joseph Van Devender, Nixa,

which was adopted.

Senator Wasson offered Senate Resolution No. 231, regarding Tyler Allen Green, Ozark, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 265—By Nieves.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

SB 266—By Nieves.

An Act to amend chapters 191 and 571, RSMo, by adding thereto two new sections relating to privacy concerning firearms.

SB 267—By Nieves.

An Act to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

SB 268—By Nieves.

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to ordinances adopted by political subdivisions regulating firearms.

SB 269—By Nieves.

An Act to repeal sections 8.172 and 8.460, RSMo, and to enact in lieu thereof two new sections relating to the preferential use of the capitol complex by private entities.

SB 270—By Nieves.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to state enforcement of certain federal laws, with penalty provisions.

SB 271—By Nieves.

An Act to repeal sections 190.307 and 650.340, RSMo, and to enact in lieu thereof two new sections relating to emergency dispatch operator training.

SB 272—By Nieves.

An Act to amend chapter 320, RSMo, by adding thereto eight new sections relating to fire sprinkler contractors.

SB 273—By Wallingford.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to the release of crime scene materials under the state open records law.

SB 274—By Walsh.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to mandatory wage reporting for the purposes of determining the prevailing wage, with an effective date.

SB 275—By Walsh.

An Act to repeal section 393.1075, RSMo, and to enact in lieu thereof one new section relating to utility regulation, with existing penalty provisions.

SB 276—By Emery and Nieves.

An Act to repeal section 162.1250, RSMo, and to enact in lieu thereof one new section relating to virtual schools.

SJR 17—By Nieves.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to state sovereignty.

Senator Pearce assumed the Chair.

SENATE BILLS FOR PERFECTION

SB 3 was placed on the Informal Calendar.

Senator Dixon moved that **SB 21** be taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

At the request of Senator Dixon, **SB 21** was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 22** was placed on the Informal Calendar.

Senator Lamping moved that **SB 33**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 33**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 33

An Act to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof three new sections relating to accommodations for persons with mental disabilities.

Was taken up.

Senator Lamping moved that **SCS** for **SB 33** be adopted.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section 209.150, Line 2, by inserting immediately after the word “disability” the following: “**including diabetes**”; and further amend line 6, by inserting immediately after the word “disability” the following: “**including diabetes**”; and further amend line 14, by inserting immediately after the word “disability” the following: “**including diabetes**”; and

Further amend said bill, page 2, section 209.200, line 4, by inserting immediately after “213.010” the following: “**including diabetes**”.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Lamping moved that **SCS** for **SB 33**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **SB 33**, as amended, was declared perfected and ordered printed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 7**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the bill do pass, and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 80**, begs leave to report that it has considered the same and recommends that the bill do pass, and be placed on the Consent Calendar.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 41**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 139**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 42**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 43**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 51**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 77**, begs leave to report that it has considered the same and recommends that the bill do pass, and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 16**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

On motion of Senator Richard, the Senate recessed until 6:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 232, regarding Elizabeth Burken, Carthage, which was adopted.

Senator Schmitt offered Senate Resolution No. 233, regarding John Lawrence Kenney, Kansas City,

which was adopted.

Senator Schmitt offered Senate Resolution No. 234, regarding Patrick Stephen Kirk, Kansas City, which was adopted.

Senator Schmitt offered Senate Resolution No. 235, regarding Nicholas James Hochstatter, Parkville, which was adopted.

Senator Walsh offered Senate Resolution No. 236, regarding Kendall Maurice Wallace, Black Jack, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 33**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 1**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Rupp, **SB 1**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Cathee Wolford, as a member of the Board of Certification of Interpreters;

Also,

Jamie S. Koehler, as a member of the Seismic Safety Commission;

Also,

Collin L. Follis, Democrat, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Diane Campbell Howard, Democrat, as a member of the Missouri Gaming Commission;

Also,

Mark S. Hasheider and Nathan D. Preston, as members of the Advisory Committee for 911 Service Oversight;

Also,

Lloyd Joseph Carmichael, Democrat, and Carrie Carroll, Republican, as members of the Missouri State University Board of Governors;

Also,

David L. Bonner, Democrat, as a member of the Truman State University Board of Governors;

Also,

Janet Crafton, Democrat, as a member of the State Fair Commission;

Also,

Janet E. Richardson, Dean Aye, Kelly L. Floyd and Eric Pilson, as members of the Missouri State Foster Care and Adoption Board;

Also,

Nicole N. Roach, Democrat, as a member of the Missouri Community Service Commission;

Also,

Paula D. Knight, as a member of the Coordinating Board for Early Childhood;

Also,

Charles E. Weedman Jr., Republican, as a member of the Missouri Ethics Commission;

Also,

Kelley Cramm, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Matthew L. Dameron, Democrat, as a member of the Missouri Development Finance Board;

Also,

Michael C. Rader, as a member of the Missouri Brain Injury Advisory Council;

Also,

Gregory D. Mason, Democrat, and Alfred Purcell, Republican, as members of the Missouri Western State University Board of Governors;

Also,

Francis Dorrel and Patrick B. Haar, Republicans, and John W. Richmond, Democrat, as members of the Northwest Missouri State University Board of Regents;

Also,

William S. Moriarty, Independent, as a member of the Missouri Emergency Response Commission;

Also,

Reginald D. Dickson, Democrat, as a member of the Harris-Stowe State University Board of Regents;

Also,

Bruce Thomas Sommer, Democrat, as a member of the Regional Convention and Sports Complex Authority;

Also,

Greg L. Roberts, Democrat, as a member of the Missouri Housing Development Commission;

Also,

Alana M. Barragan-Scott, as a member of the Administrative Hearing Commission;

Also,

Alan O. Freeman, as Director of the Department of Social Services;

Also,

Harry Ralph Gaw, Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Traron L. Shivers, as the student representative of the Lincoln University Board of Curators;

Also,

William Skains and Martha Black, as members of the Missouri Workforce Investment Board; and

Don T. Ruzicka, Republican, as a member of the Board of Probation and Parole.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 6, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 9, 2013, for your advice and consent:

Stephen R. Bough, Democrat, 1025 Arno Road, Kansas City, Jackson County, Missouri 64113, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2017, and until his successor is duly appointed and qualified; vice, Jose Lopez, term expired.

John McGuire, Democrat, 368 Carson Ridge Road, Glasgow, Howard County, Missouri 65254, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, Rodney Boyd, term expired.

Lori Rasmussen, 1034 Savonne Court, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2014, and until her successor is duly appointed and qualified; vice, Paul Nahon, term expired.

John W. Sisco, III, Republican, 4804 Marchwood Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2013, and until his successor is duly appointed and qualified; vice, Anita T. Yeckel, term expired.

Carolyn R. Mahoney, Democrat, 1901 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, and until her successor is duly appointed and qualified; vice, Mary Beth Luna Wolf, term expired.

Derek E. Williams, 1105 South Walnut, Cameron, Clinton County, Missouri 64429, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, RSMo. 210.617.

John Allen Collier, Republican, 608 Fifth Street, Weston, Platte County, Missouri, 64098, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Edward L. Baker, term expired.

Donna L. Birks, Democrat, 4710 Eastern Avenue, Kansas City, Jackson County, Missouri 64129, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2018, and until her successor is duly appointed and qualified; vice, Susan Pentlin, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 6, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 9, 2013, for your advice and consent:

J. Michael Ponder, Democrat, 3041 Keystone, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Judith G. Haggard, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey moved that the above appointments be returned to the Governor per his request, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Nieves introduced to the Senate, Vicki Coopmans, CRNA, Wildwood; Leslie Jacobs, CRNA, Washington; Abby Hughes-Strange, Ellisville; Caroline Phillips and Tom Marose, St. Louis; Aaron Frazer, Webster Groves; Rick Spangler and Stan Foster, Fenton; Rose Fontana, Des Peres; and Tina Azzam, Wentzville, representatives of Missouri Association of Nurse Anesthetists.

Senator Dixon introduced to the Senate, Jennifer Alsup, Heather Phillips, Farris Robertson, former State Representative Roy Holand, Melissa Millsap and Michelle Miller, representatives of Missouri Foundation for Health.

On behalf of Senators Richard, Munzlinger, Silvey, Lager and himself, Senator Schaefer introduced to

the Senate, Haley Brown, Liberty; Libby Shannon, Elizabeth Burken and Taylor Vaughn, Carthage; Allyson Doman and Miles Krusniak, Kirksville; Emily Schwenneker and Renae Cramer, Princeton; Anum Ahmed, Joplin; and Elizabeth Meyer and Casey Hulshof, Columbia.

Senator Richard introduced to the Senate, Kim Gray, Joplin.

The President introduced to the Senate, members of the Arts Council from around the state.

Senator Cunningham introduced to the Senate, Dean Aye, Howell County.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Han Paik, St. Louis.

Senator Nasheed introduced to the Senate, Representative Rochelle Walton Gray and Representative Karla May, St. Louis; and Representative Sharon Pace, St. Louis County.

Senator Sifton introduced to the Senate, Kelsey Meline, Kirksville; and Blake Lawrence, St. Louis.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 211-Rupp	SB 230-Brown, et al
SB 212-Cunningham	SB 231-Munzlinger
SB 213-Kraus	SB 232-Wallingford
SB 214-Silvey	SB 233-Sater, et al
SB 215-Silvey	SB 234-Wasson
SB 216-Silvey	SB 235-Cunningham
SB 217-LeVota	SB 236-Parson
SB 218-LeVota	SB 237-Emery
SB 219-Sater	SB 238-Emery
SB 220-Lamping	SB 239-Emery
SB 221-Lamping	SB 240-Lager
SB 222-Lamping	SB 241-Lager
SB 223-Curls	SB 242-Kehoe
SB 224-Curls, et al	SB 243-Brown
SB 225-Curls	SB 244-Schaefer
SB 226-Schaefer	SB 245-Justus
SB 227-LeVota	SB 246-Walsh and Silvey
SB 228-Holsman	SB 247-Walsh
SB 229-Brown	SB 248-Wasson

SB 249-Nasheed	SB 268-Nieves
SB 250-Schaaf	SB 269-Nieves
SB 251-Kraus and Chappelle-Nadal	SB 270-Nieves
SB 252-Kraus	SB 271-Nieves
SB 253-Justus	SB 272-Nieves
SB 254-Pearce	SB 273-Wallingford
SB 255-Schmitt and Schaefer	SB 274-Walsh
SB 256-Silvey	SB 275-Walsh
SB 257-Silvey	SB 276-Emery and Nieves
SB 258-LeVota	SJR 8-Dixon
SB 259-Schaaf	SJR 9-Emery
SB 260-Brown	SJR 10-Nasheed and Walsh
SB 261-Rupp	SJR 11-Curls
SB 262-Curls	SJR 12-Sater
SB 263-Curls	SJR 13-Chappelle-Nadal
SB 264-Dempsey	SJR 14-Schaefer, et al
SB 265-Nieves	SJR 15-Schaaf
SB 266-Nieves	SJR 16-Kehoe and McKenna
SB 267-Nieves	SJR 17-Nieves

THIRD READING OF SENATE BILLS

SCS for SB 47-Lamping	SCS for SB 33-Lamping
SCS for SB 7-Pearce	

SENATE BILLS FOR PERFECTION

SB 41-Munzlinger	SB 117-Kraus, with SCS
SB 139-Kehoe	SB 43-Munzlinger
SB 12-Schaefer	SB 51-Munzlinger
SB 42-Munzlinger, with SCS	SB 86-Keaveny, with SCS
SB 106-Brown, with SCS	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS, SS for SCS & SA 3 (pending)	SB 21-Dixon
SB 3-Rupp	SB 22-Dixon
	SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 2/6

SB 58-Romine
SB 80-Romine

SB 77-Lamping

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Saying ‘yes’ to God’s gift of love and life primarily and above all else means choosing love as a life principle.” (John Powell)

Lord of Love, as we complete this day and journey home we are thankful for Your teaching us to love one another and especially those You have given us to love. Help us to make loving others our “life principle” and find ways to express it in varied ways and in the varied relationships we have. And may we express it fully with those we experience Your presence with this weekend in Your house of prayer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Silvey assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators

Dempsey LeVota—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Richard offered the following resolution:

SENATE RESOLUTION NO. 237

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
5	Staff Attorney II	3,546 - 5,238
1	Senior Staff Attorney	4,011 - 5,833
1	Research Analyst IV	3,546 - 5,238
1	Assistant Director General Research	4,722 - 6,644
1	Investigator	3,290 - 4,818
4	Research Staff Secretary	2,742 - 3,909
1	Budget Research Analyst II	3,290 - 4,818
3	Budget Research Analyst III	3,909 - 5,702
1	Assistant Director Budget Research	4,722 - 6,644
1	Budget Staff Secretary	2,742 - 3,909
3	Assistant Secretary of Senate	3,056 - 4,348
1	Enrolling & Engrossing Supervisor	3,056 - 4,348
3	Enrolling & Engrossing Clerk	2,431 - 3,418
1	Billroom Supervisor	2,431 - 3,418
1	Billroom Clerk	2,089 - 2,885
5	Public Information Specialist	2,431 - 3,418
1	Photographer	2,742 - 3,909
1	Administrative Assistant	3,194 - 6,425
1	Telecommunications Coordinator	3,056 - 4,348
1.5	Accounting Specialist	2,841 - 4,011
1	Human Resources Specialist	2,841 - 4,011
9.0	Administrative/Office Support	2,841 - 4,011
1	Computer Info. Technology Spec. I	3,546 - 5,238
3	Computer Info. Technology Spec. II	3,909 - 5,702
1	Computer Info. Technology Spec III	4,722 - 6,644
2	Computer Info. Technologist I	2,431 - 3,418
3	Computer Info. Technologist II	3,170 - 4,530

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
1	Network/Communications Specialist	3,909 - 5,702
1	Composing Equipment Operator III	2,277 - 3,170
1	Mailroom Supervisor	2,431 - 3,418
1	Mailroom Technician II	2,089 - 2,885
1	Printing Services Technician II	2,089 - 2,885
1	Printing Services Technician III	2,277 - 3,170
2	Printing Services Technician IV	2,558 - 3,546
1	Maintenance Supervisor	2,558 - 3,546
1	Carpenter II	2,558 - 3,546
1	Maintenance Worker II	2,277 - 3,170
0.5	Sergeant at Arms (Elected)	2,558 - 3,546
4.0	Assistant Doorkeeper	1,712 - 2,227
0.5	Reading Clerk	1,712 - 2,227
0.5	Chaplain	908 - 1,212
0.5	Security Guard	1,712 - 2,227

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and The Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2014.

Senator Lager offered Senate Resolution No. 238, regarding Emily Schwenneker, Princeton, which was adopted.

Senator Kehoe offered Senate Resolution No. 239, regarding Todd Bogatzke, Owensville, which was adopted.

Senator Kehoe offered Senate Resolution No. 240, regarding Kelsey Parrott, Jamestown, which was adopted.

Senator Cunningham offered Senate Resolution No. 241, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. Albert Yearman, Willow Springs, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 277—By Holsman.

An Act to amend chapter 393, RSMo, by adding thereto seven new sections relating to the Missouri energy efficiency performance standard.

SB 278—By Kehoe.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

SB 279—By Kehoe.

An Act to repeal sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, and 476.515, RSMo, and to enact in lieu thereof twenty-five new sections relating to the administration of state employee benefits.

SB 280—By Wasson.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a bridge.

SB 281—By Wasson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for dental services.

SB 282—By Wasson.

An Act to repeal section 302.302, RSMo, and to enact in lieu thereof four new sections relating to the endangerment of emergency workers, with penalty provisions.

SB 283—By Parson.

An Act to repeal sections 52.010, 54.040, and 54.330, RSMo, and to enact in lieu thereof three new sections relating to candidacy qualifications for certain county offices.

SB 284—By Sifton, Justus, Keaveny, Walsh, Chappelle-Nadal and Nasheed.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

SB 285—By Romine.

An Act to repeal section 632.505, RSMo, and to enact in lieu thereof one new section relating to access to certain electronic monitoring information by local law enforcement agencies.

SB 286—By Romine, Schmitt and Lamping.

An Act to repeal section 227.303, RSMo, and to enact in lieu thereof one new section relating to the designation of memorial highways.

SB 287—By Rupp.

An Act to repeal sections 379.1300, 379.1306, 379.1310, 379.1312, and 379.1326, RSMo, and to enact in lieu thereof six new sections relating to captive insurance companies.

SB 288—By Lamping.

An Act to repeal sections 104.1205 and 104.1215, RSMo, and to enact in lieu thereof two new sections relating to retirement of higher education employees.

The Senate observed a moment of silence in memory of Kirkwood Police Sergeant William Biggs, Officer Tom Ballman, council members Connie Carr and Michael Lynch, Public Works Director Ken Yost and Mayor Mike Swoboda.

THIRD READING OF SENATE BILLS

SCS for **SB 47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 47

An Act to repeal section 453.072, RSMo, and to enact in lieu thereof one new section relating to subsidized legal guardianship of a child.

Was taken up by Senator Lamping.

On motion of Senator Lamping, **SCS** for **SB 47** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey LeVota—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 7

An Act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof three new sections relating to school accreditation, with an emergency clause.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater

Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey LeVota—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Holsman—1

Absent—Senators—None

Absent with leave—Senators

Dempsey LeVota—2

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 33**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 33

An Act to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof three new sections relating to accommodations for persons with mental disabilities.

Was taken up by Senator Lamping.

On motion of Senator Lamping, **SCS** for **SB 33** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey LeVota—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Schaaf moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, the Physician of the Day, Dr. Jeff Copeland, St. Peters.

Senator Pearce introduced to the Senate, Presiding Commissioner Nelson Heil, Associate Commissioners Bill Berlsen and David Martin, Carroll County; and Presiding Commissioner Tom Stallings and Associate Commissioner Charles Guthrie, Saline County.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, February 11, 2013.

SENATE CALENDAR

EIGHTEENTH DAY—MONDAY, FEBRUARY 11, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 211-Rupp
SB 212-Cunningham
SB 213-Kraus
SB 214-Silvey
SB 215-Silvey
SB 216-Silvey
SB 217-LeVota
SB 218-LeVota
SB 219-Sater
SB 220-Lamping
SB 221-Lamping

SB 222-Lamping
SB 223-Curls
SB 224-Curls, et al
SB 225-Curls
SB 226-Schaefer
SB 227-LeVota
SB 228-Holsman
SB 229-Brown
SB 230-Brown, et al
SB 231-Munzlinger
SB 232-Wallingford

SB 233-Sater, et al	SB 266-Nieves
SB 234-Wasson	SB 267-Nieves
SB 235-Cunningham	SB 268-Nieves
SB 236-Parson	SB 269-Nieves
SB 237-Emery	SB 270-Nieves
SB 238-Emery	SB 271-Nieves
SB 239-Emery	SB 272-Nieves
SB 240-Lager	SB 273-Wallingford
SB 241-Lager	SB 274-Walsh
SB 242-Kehoe	SB 275-Walsh
SB 243-Brown	SB 276-Emery and Nieves
SB 244-Schaefer	SB 277-Holsman
SB 245-Justus	SB 278-Kehoe
SB 246-Walsh and Silvey	SB 279-Kehoe
SB 247-Walsh	SB 280-Wasson
SB 248-Wasson	SB 281-Wasson
SB 249-Nasheed	SB 282-Wasson
SB 250-Schaaf	SB 283-Parson
SB 251-Kraus and Chappelle-Nadal	SB 284-Sifton, et al
SB 252-Kraus	SB 285-Romine
SB 253-Justus	SB 286-Romine, et al
SB 254-Pearce	SB 287-Rupp
SB 255-Schmitt and Schaefer	SB 288-Lamping
SB 256-Silvey	SJR 8-Dixon
SB 257-Silvey	SJR 9-Emery
SB 258-LeVota	SJR 10-Nasheed and Walsh
SB 259-Schaaf	SJR 11-Curls
SB 260-Brown	SJR 12-Sater
SB 261-Rupp	SJR 13-Chappelle-Nadal
SB 262-Curls	SJR 14-Schaefer, et al
SB 263-Curls	SJR 15-Schaaf
SB 264-Dempsey	SJR 16-Kehoe and McKenna
SB 265-Nieves	SJR 17-Nieves

SENATE BILLS FOR PERFECTION

SB 41-Munzlinger	SB 117-Kraus, with SCS
SB 139-Kehoe	SB 43-Munzlinger
SB 12-Schaefer	SB 51-Munzlinger
SB 42-Munzlinger, with SCS	SB 86-Keaveny, with SCS
SB 106-Brown, with SCS	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS, SS for SCS & SA 3
(pending)
SB 3-Rupp

SB 21-Dixon
SB 22-Dixon
SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 2/6

SB 58-Romine
SB 80-Romine

SB 77-Lamping

RESOLUTIONS

SR 237-Richard

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Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY—MONDAY, FEBRUARY 11, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Wisdom states: “Whoever finds me finds life and obtains favor from the Lord;” (Proverbs 8:35)

Gracious God, grant us wisdom to love, desire, seek and serve You with our full hearts. Provide us hope and trust that knows with You there is knowledge about living that the world cannot give. Provide us intelligence about our world that we may serve effectively and graciously as we are able. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 7, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Dempsey—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Richard moved that **SR 237** be taken up for adoption, which motion prevailed.

On motion of Senator Richard, **SR 237** was adopted.

Senator Wasson offered Senate Resolution No. 242, regarding Dorothy K. Knowles, Springfield, which was adopted.

Senator LeVota offered Senate Resolution No. 243, regarding William Chrisman High School, which was adopted.

Senator LeVota offered Senate Resolution No. 244, regarding Christian Ott Elementary School, which was adopted.

Senator Schaefer offered Senate Resolution No. 245, regarding Ethan Michael Stevenson, Ashland, which was adopted.

Senator Wasson offered Senate Resolution No. 246, regarding Rick Busse, Willard, which was adopted.

Senator Wasson offered Senate Resolution No. 247, regarding Donald Smith, Willard, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 248, regarding the Chinese New Year, which was adopted.

Senator Munzlinger offered Senate Resolution No. 249, regarding the former First Presbyterian Church, La Grange, which was adopted.

Senator Holsman offered Senate Resolution No. 250, regarding the Todd Bolender Center for Dance and Creativity, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 251, regarding Kansas City Missouri Public Schools, which was adopted.

Senator Pearce offered Senate Resolution No. 252, regarding Vincent Theus, which was adopted.

Senator Pearce offered Senate Resolution No. 253, regarding Jordan Alexander Helmig, which was adopted.

Senator Pearce offered Senate Resolution No. 254, regarding Jackson Couch, which was adopted.

Senator Pearce offered Senate Resolution No. 255, regarding Jacob Adam Mertes, which was adopted.

Senator Justus offered Senate Resolution No. 256, regarding the One Hundredth Birthday of Perry Willard Reams, Mexico, which was adopted.

Senator Nasheed offered Senate Resolution No. 257, regarding Willard Moore, III, which was adopted.

Senator Sifton offered Senate Resolution No. 258, regarding Matthew Gregory Joseph “Matt” Henson, St. Louis, which was adopted.

Senator Brown offered Senate Resolution No. 259, regarding Donna Riggs, Rolla, which was adopted.

CONCURRENT RESOLUTIONS

Senator Pearce offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, the United States relies - and will continue to rely for many years - on gasoline, diesel, and jet fuel, as well as renewable and alternative sources of energy; and

WHEREAS, in order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

WHEREAS, the United States accounts for 20 percent of world energy consumption and is the world's largest petroleum consumer. The U.S. consumes more than 15 million barrels of oil each day-forecasts suggest this will not change for decades. Current imports amount to over eight million barrels each day, approximately 50 percent of the United States' requirements; and

WHEREAS, even with new technology, oil discoveries, alternative fuels and conservation efforts, the U.S. will remain dependent on imported energy for decades to come. A secure supply of crude oil is not only needed for Americans to continue to heat their homes, cook their food and drive their vehicles, but to allow the U.S. economy to thrive and grow free from the potential threats and disruptions of crude oil supply from less secure parts of the world; and

WHEREAS, the growing production of conflict-free oil from Canada's oil sands and the Bakken formation in Saskatchewan, Montana, North Dakota, and South Dakota can replace crude imported from countries that do not share American values, additional pipeline capacity to refineries in the U.S. Midwest and Gulf Coast is required; and

WHEREAS, increasing energy imports from Canada makes sense for the United States. Canada is a trusted neighbor with a stable democratic government, strong environmental standards equal to that of the U.S., and some of the most stringent human rights and worker protection legislation in the world; and

WHEREAS, improvements in production technology have reduced the carbon footprint of Canadian oil sands development by 26% on a per barrel basis since 1990. Oil sands production accounts for 6.9% of Canada's greenhouse gas (GHG) emissions and 0.1% (1/1000th) of global GHG emissions. Total emissions from Canada's oil sands sector was 48 megatons in 2010, equivalent to 0.5% of U.S. GHG emissions. Oil sands crude has similar CO₂ emissions to other heavy oils and is 6% more carbon-intensive than the average crude refined in the U.S. on a wells-to-wheels basis; and

WHEREAS, the 57 refineries in the Gulf Coast region provide a total refining capacity of approximately 8.7 million bpd, or half of U.S. refining capacity. In 2011, these refineries imported approximately 5 million bpd of crude oil from more than 30 countries, with the top four suppliers being Mexico (22 percent), Saudi Arabia (17 percent), Venezuela (16 percent), and Nigeria (9 percent). Imports from Mexico and Venezuela are declining as production from those countries decreases and supply contracts expire. Once completed, TransCanada's Keystone XL, and Gulf Coast Expansion projects could displace roughly 40% of the oil the U.S. currently imports from the Persian Gulf and Venezuela; and

WHEREAS, the Keystone XL pipeline project, which has been subject to the most thorough public consultation process of any proposed US pipeline, and the subject of multiple environmental impacts statements and several U.S. Department of State studies, have concluded that it poses the least impact to the environment and is much safer than other modes of transporting crude oil; and

WHEREAS, the original Keystone Pipeline which spans across the northern part of Missouri supplies over 500,000 barrels of North American crude oil to American refineries in the Midwest. The Keystone XL Pipeline will, when completed, carry 830,000 barrels of North American crude oil to American refineries in the Gulf Coast region which will make its way back to Missouri in the form of gasoline, diesel and jet fuel; and

WHEREAS, the Keystone XL project will create approximately 9,000 construction jobs. The Gulf Coast Project is a \$2.3 billion project that has created approximately 4,000 construction jobs. Combined, they support yet another 7,000 manufacturing jobs. Seventy-five percent of the pipe used to build Keystone XL in the U.S. will come from North American mills, including half made by U.S. workers. Goods for the pipeline valued at approximately \$800 million have already been sourced from U.S. manufacturers:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support continued and increased development and delivery of oil derived from North American oil reserves to American refineries and hereby urge the United States Congress to: support continued and increased development and delivery of oil from Canada to the United States; and urge the President to support the continued and increased importation of oil derived from the Bakken formation in Montana, North Dakota and South Dakota as well as Canadian oil sands; and ask the U.S. Secretary of State to approve the newly-routed pipeline application from TransCanada to reduce dependence on unstable governments, create new jobs, improve our national security, and strengthen ties with an important ally; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro Tem of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 289—By Sifton.

An Act to repeal section 324.024, RSMo, and to enact in lieu thereof one new section relating to professional applications containing Social Security numbers.

SB 290—By Walsh.

An Act to repeal sections 130.016, 130.036, 130.037, 130.049, 130.050, 130.054, and 130.086, RSMo, section 130.011 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.011 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.021 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, section 130.026 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, section 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.041 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.041 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.046 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.046 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.057 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 676 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to campaign finance.

SB 291—By Rupp.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to awarding state contracts to vendors employing individuals with qualifying disabilities.

SB 292—By Rupp.

An Act to repeal section 287.745, RSMo, and to enact in lieu thereof one new section relating to workers' compensation tax overpayments.

SB 293—By Pearce.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by the governing bodies of certain public institutions of higher education, with an emergency clause.

SB 294—By Schmitt.

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commission intervention in certain legal proceedings.

SB 295—By Lager.

An Act to amend chapter 85, RSMo, by adding thereto one new section relating to paid members of any fire department or fire district.

SB 296—By Lager.

An Act to repeal sections 174.700, 174.703, 174.706, and 544.157, RSMo, and to enact in lieu thereof six new sections relating to college or university police officers.

SB 297—By Lager.

An Act to repeal sections 393.320, 393.1000, and 393.1003, RSMo, and to enact in lieu thereof three new sections relating to ratemaking for water utilities.

SJR 18—By Schmitt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 7 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to apportionment commissions.

SJR 19—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits for statewide elected officials.

Senator Kehoe assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Hodges, 3138 Sutton Boulevard, Saint Louis, Saint Louis County, Missouri 63143, as a member of the Interior Design Council,

for a term ending April 6, 2016, and until his successor is duly appointed and qualified; vice, Catherine F. Brown, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian C. Maddux, 19663 Balke Road, Warsaw, Benton County, Missouri 65355, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2015, and until his successor is duly appointed and qualified; vice, Francis G. Slack, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian McIntyre, 928 Abbeville Drive, University City, Saint Louis County, Missouri 63130, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending February 5, 2017, and until his successor is duly appointed and qualified; vice, Richard D. James, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Forrest Miller Jr., Republican, 9100 Appomattox Court, Crestwood, Saint Louis County, Missouri 63123, as a member of the Missouri Community Service Commission, for a term ending December 15, 2015, and until his successor is duly appointed and qualified; vice, Forrest Miller Jr., reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ann Nunn-Jones, Democrat, 4922 Lake Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2015, and until her successor is duly appointed and qualified; vice, Ann Nunn-Jones, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mariea Snell, 808 East Pacific, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2013, and until her successor is duly appointed and qualified; vice, Ann K. Shelton, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mishely Tisius, 7461 Bland Avenue, Clayton, Saint Louis County, Missouri 63105, as a member of the Board of Certification of Interpreters, for a term ending June 27, 2015, and until her successor is duly appointed and qualified; vice, RSMo. 209.287.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 7, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary Vandiver, Democrat, 500 Deer Ridge Drive, Richmond, Ray County, Missouri 64085, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2014, and until his successor is duly appointed and qualified; vice, Gary Vandiver, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 87**, entitled:

An Act to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof seven new sections relating to certain benevolent tax credits, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 41** be taken up for perfection, which motion prevailed.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 41, Page 1, Section 537.291, Lines 1-2 by striking “enjoin, abate, or recover damages” and inserting in lieu thereof the following “**enjoin or abate**”.

Senator Justus moved that the above amendment be adopted, which motion failed.

At the request of Senator Munzlinger, **SB 41** was placed on the Informal Calendar.

Senator Lager assumed the Chair.

Senator Kehoe moved that **SB 139** be taken up for perfection, which motion prevailed.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 139, Page 1, In the Title, Line 3 of the title by striking said line and inserting in lieu thereof the following: “to public records and meetings, with an”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“610.010. As used in this chapter, unless the context otherwise indicates, the following terms mean:

(1) “Closed meeting”, “closed record”, or “closed vote”, any meeting, record or vote closed to the public;

(2) “Copying”, if requested by a member of the public, copies provided as detailed in section 610.026,

if duplication equipment is available;

(3) “Public business”, all matters which relate in any way to the performance of the public governmental body’s functions or the conduct of its business;

(4) “Public governmental body”, any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:

(a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from state funds, including but not limited to the administrative entity known as “The Curators of the University of Missouri” as established by section 172.020;

(b) Any advisory committee or commission appointed by the governor by executive order;

(c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;

(d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;

(e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body’s governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds for the specific purpose of recommending directly to the public governmental body’s governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision;

(f) Any quasi-public governmental body. The term “quasi-public governmental body” means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, or unincorporated association which either:

a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that

directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation; and

(g) Any bi-state development agency established pursuant to section 70.370;

(5) “Public meeting”, any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat, or Internet message board. The term “public meeting” shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business;

(6) “Public record”, any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term “public record” shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record. **Any lease, sublease, rental agreement, or similar instrument entered into by any public governmental body, or any sublease of a publicly-owned facility entered into between any party and the entity which shall have the rights to manage said facility, or any other agreement for the rental, construction, or renovation of said facility shall be a public record;**

(7) “Public vote”, any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

610.020. 1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any **member of the public** or representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a

bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least [twenty-four] **forty-eight** hours, **or twenty-four hours for the general assembly and any committee thereof**, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

3. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

4. When it is necessary **for such governmental bodies** to hold a meeting on less than [twenty-four] **forty-eight** hours' notice, **or twenty-four hours' notice for the general assembly and any committee thereof**, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

5. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

6. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

7. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include, **but not be limited to**, the date, time, place, members present, members absent, and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body. **Minutes shall contain a list of the subjects discussed during any closed meeting, but nothing in this subsection shall require the disclosure of records or votes that are properly closed under section 610.021.**"; and

Further amend said bill, Page 1, Section 610.021, Line 11, by striking "made public" and inserting in lieu thereof the following: "**publicly disclosed in an open meeting**"; and further amend line 18, by striking "announced or become public" and inserting in lieu thereof the following: "**publicly disclosed in an open meeting**"; and

Further amend said bill and section, Page 2, Line 20, by inserting after “record” the following: “**. When public disclosure in an open meeting is prescribed, such disclosure shall be done orally or in writing, or both, and shall occur at the next scheduled open meeting of the public body, or at the resumption of a recessed or subsequent open meeting, whatever is applicable soonest to the time lines for disclosure as prescribed in this section. Where the public governmental body shall close meetings, records, and votes due to a “cause of action” as provided in this subdivision, the body shall have received evidence that a lawsuit has been filed, although not yet served, or shall have actual correspondence from a party stating that litigation shall be filed under certain circumstances stated in said correspondence**”; and

Further amend said bill and section, Page 5, Line 136, by inserting after all of said line the following:

“610.022. 1. Except as set forth in subsection 2 of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

2. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of section 610.021. Such notice shall comply with the procedures set forth in section 610.020 for notice of a public meeting.

3. Any meeting or vote closed pursuant to section 610.021 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. **Only members of a public governmental body, their attorney and staff assistants, and any other person necessary to provide information needed by or requested by the public governmental body in regard to the matter being discussed shall be permitted in a closed meeting.** Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

4. Nothing in sections 610.010 to 610.028 shall be construed as to require a public governmental body to hold a closed meeting, record or vote to discuss or act upon any matter.

5. Public records shall be presumed to be open unless otherwise exempt pursuant to the provisions of this chapter.

6. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in this chapter, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member’s objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any

claim filed against the objecting member pursuant to section 610.027.

610.023. 1. Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request. **Each custodian of a public governmental body is encouraged to create and maintain an index of all public records maintained by its public governmental body.**

2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

610.027. 1. The remedies provided by this section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of sections 610.010 to 610.026, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to section 610.021 or the assertion that the requested record is not a public record until the court directs otherwise.

2. [Once a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.] **In any legal proceeding, there shall be a presumption that a meeting, record, or vote is open to the public. The burden shall be on a public governmental body or a member of a public governmental body to prove that such meeting, record, or vote may be closed to the public.**

3. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has [knowingly] violated sections 610.010 to 610.026, the public governmental

body or the member shall be subject to a civil penalty in an amount [up to one thousand] **of one hundred** dollars. If the court finds that there is a [knowing] violation of sections 610.010 to 610.026, the court [may] **shall** order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. [The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.] **In making this determination of reasonable attorney fees, the court shall take into account the size of the jurisdiction, annual operating budget, and other sources of revenue.**

4. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars. If the court finds that there was a purposeful violation of sections 610.010 to 610.026, then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

5. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of sections 610.010 to 610.026, a court shall void any action taken in violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs the public interest in sustaining the validity of the action taken in the [closed] meeting, record or vote. Suit for enforcement shall be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

6. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Emery, Justus, Kehoe and Sater.

Senator Justus offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 139, Page 5, Section 610.010, Lines 12-14, by striking all of said lines and inserting in lieu thereof the following: “**entered into by any public governmental body, or**”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Sifton offered **SA 2** to **SA 1**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 139, Page 8, Section 610.020, Line 10 by inserting immediately after “610.021.” the following: “**Audio recordings of closed meetings shall be made and preserved. Such recordings shall be available only to a court for in camera proceedings in an action to enforce the provisions of chapter 610.**”.

Senator Sifton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Justus, McKenna, Chappelle-Nadal and Holsman.

At the request of Senator Kehoe, **SB 139**, with **SA 1** and **SA 2** to **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Richard introduced to the Senate, Jon and Terri Stouffer, Neosho; and Jay Mitchell, Seneca.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

NINETEENTH DAY–TUESDAY, FEBRUARY 12, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 211-Rupp
SB 212-Cunningham
SB 213-Kraus
SB 214-Silvey
SB 215-Silvey
SB 216-Silvey
SB 217-LeVota
SB 218-LeVota
SB 219-Sater
SB 220-Lamping
SB 221-Lamping
SB 222-Lamping
SB 223-Curls
SB 224-Curls, et al
SB 225-Curls
SB 226-Schaefer

SB 227-LeVota
SB 228-Holsman
SB 229-Brown
SB 230-Brown, et al
SB 231-Munzlinger
SB 232-Wallingford
SB 233-Sater, et al
SB 234-Wasson
SB 235-Cunningham
SB 236-Parson
SB 237-Emery
SB 238-Emery
SB 239-Emery
SB 240-Lager
SB 241-Lager
SB 242-Kehoe

SB 243-Brown
SB 244-Schaefer
SB 245-Justus
SB 246-Walsh and Silvey
SB 247-Walsh
SB 248-Wasson
SB 249-Nasheed
SB 250-Schaaf
SB 251-Kraus and Chappelle-Nadal
SB 252-Kraus
SB 253-Justus
SB 254-Pearce
SB 255-Schmitt and Schaefer
SB 256-Silvey
SB 257-Silvey
SB 258-LeVota
SB 259-Schaaf
SB 260-Brown
SB 261-Rupp
SB 262-Curls
SB 263-Curls
SB 264-Dempsey
SB 265-Nieves
SB 266-Nieves
SB 267-Nieves
SB 268-Nieves
SB 269-Nieves
SB 270-Nieves
SB 271-Nieves
SB 272-Nieves
SB 273-Wallingford
SB 274-Walsh
SB 275-Walsh
SB 276-Emery and Nieves

SB 277-Holsman
SB 278-Kehoe
SB 279-Kehoe
SB 280-Wasson
SB 281-Wasson
SB 282-Wasson
SB 283-Parson
SB 284-Sifton, et al
SB 285-Romine
SB 286-Romine, et al
SB 287-Rupp
SB 288-Lamping
SB 289-Sifton
SB 290-Walsh
SB 291-Rupp
SB 292-Rupp
SB 293-Pearce
SB 294-Schmitt
SB 295-Lager
SB 296-Lager
SB 297-Lager
SJR 8-Dixon
SJR 9-Emery
SJR 10-Nasheed and Walsh
SJR 11-Curls
SJR 12-Sater
SJR 13-Chappelle-Nadal
SJR 14-Schaefer, et al
SJR 15-Schaaf
SJR 16-Kehoe and McKenna
SJR 17-Nieves
SJR 18-Schmitt
SJR 19-Lager

HOUSE BILLS ON SECOND READING

HCS for HB 87

SENATE BILLS FOR PERFECTION

SB 12-Schaefer
SB 42-Munzlinger, with SCS
SB 106-Brown, with SCS
SB 117-Kraus, with SCS

SB 43-Munzlinger
SB 51-Munzlinger
SB 86-Keaveny, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS, SS for SCS & SA 3
(pending)
SB 3-Rupp
SB 21-Dixon
SB 22-Dixon

SB 41-Munzlinger
SB 48-Lamping
SB 139-Kehoe, with SA 1 & SA 2 to SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/6

SB 58-Romine
SB 80-Romine

SB 77-Lamping

RESOLUTIONS

To be Referred

SCR 7-Pearce

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Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 12, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You have given him his heart’s desire.” (Psalm 21:2a)

Loving Father, it is good to know that You are a God that hears and answers prayer. In our silence when words refuse to come You are aware of the deep rumblings of our soul and the concerns of our hearts. You comfort us and in our joy lift us up. When we bring our petitions before You and You respond blessing us and encouraging us so we may know the joys of Your heart by the peace and comfort of Your loving presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 260, regarding Staff Sergeant Troy Green, Cameron, which was adopted.

Senator Cunningham offered Senate Resolution No. 261, regarding Joe Scott, Poplar Bluff, which was adopted.

Senators Libla and Wallingford offered Senate Resolution No. 262, regarding Missouri Rice Research and Merchandising Council, which was adopted.

Senator Libla offered Senate Resolution No. 263, regarding Francisco Esquivel, Poplar Bluff, which was adopted.

Senator Nieves offered Senate Resolution No. 264, regarding Quinton Hildebrandt, St. Clair, which was adopted.

Senator Kehoe offered Senate Resolution No. 265, regarding Bob Priddy and Jeffrey Ball, which was adopted.

Senator Schaaf offered Senate Resolution No. 266, regarding Katherine Thompson, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 298—By Holsman.

An Act to repeal sections 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, RSMo, and to enact in lieu thereof twenty-two new sections relating to campaign finance, with a referendum clause and penalty provisions.

SB 299—By Holsman.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to energy efficiency improvements to certain state buildings.

SB 300—By Holsman.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to medical assistance benefits.

SB 301—By McKenna, Romine and Walsh.

An Act to repeal sections 290.210, 290.260, and 290.262, RSMo, and to enact in lieu thereof three new sections relating to prevailing wage.

SB 302—By Wasson.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to emergency prescription refills.

SB 303—By Wasson.

An Act to repeal section 338.220, RSMo, and to enact in lieu thereof one new section relating to pharmacy permits.

SB 304—By Wasson.

An Act to repeal section 334.715, RSMo, and to enact in lieu thereof one new section relating to the restriction of athletic trainers' licenses.

SB 305—By Wasson.

An Act to repeal section 334.040, RSMo, and to enact in lieu thereof one new section relating to examination requirements for physicians.

SB 306—By Wasson.

An Act to repeal section 338.150, RSMo, and to enact in lieu thereof one new section relating to pharmaceutical testing by the board of pharmacy.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SB 139**, with **SA 1** and **SA 2** to **SA 1**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 to **SA 1** was again taken up.

At the request of Senator Sifton, **SA 2** to **SA 1** was withdrawn.

Senator Schmitt assumed the Chair.

Senator Schaaf offered **SA 3** to **SA 1**:

SENATE AMENDMENT NO. 3 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 139, Page 13, Section 610.027, Line 15, by inserting after the word “or” the following: “**may order the payment by such**”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Schaefer moved that **SA 1**, as amended, be adopted which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator McKenna—1

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

Senator Chappelle-Nadal offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 139, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to public records and meetings, with an”; and

Further amend said bill and page, Section A, line 2 by inserting after all of said line the following:

“610.015. Except as provided in section 610.021, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each “yea” and “nay” vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri general assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting **or who are participating via videoconferencing**. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kehoe, **SB 139**, as amended, was declared perfected and ordered printed.

Senator Schaefer moved that **SB 12** be taken up for perfection, which motion prevailed.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 12, Page 1, Section 537.865, Line 2, by striking “party” and inserting in lieu thereof the following: “**defendant in a criminal case without compensation**”.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schaefer, **SB 12**, as amended, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 42**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 42**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 42

An Act to repeal sections 221.070, 313.321, 488.5028, and 571.104, RSMo, and to enact in lieu thereof five new sections relating to delinquent debts for the cost of imprisonment in a county jail.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 42** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 42**, was declared perfected and ordered printed.

Senator Pearce requested unanimous consent of the Senate to allow Sheriff Troy Hofstetter and Sheriff Kerrick Alumbaugh to enter the Chamber with side arms, which request was granted.

Senator Brown moved that **SB 106**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106

An Act to amend chapters 173, 192, and 324, RSMo, by adding thereto three new sections relating to current and former military personnel.

Was taken up.

Senator Brown moved that **SCS** for **SB 106** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 106**, was declared perfected and ordered printed.

Senator Kraus moved that **SB 117**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to residency at public institutions of higher education.

Was taken up.

Senator Kraus moved that **SCS** for **SB 117** be adopted.

Senator LeVota offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 117, Page 1, In the Title, Lines 2-3, by striking the following: “residency at public institutions of higher education” and inserting in lieu thereof the following: “military affairs”; and

Further amend said bill and page, section A, line 2, by inserting immediately after all of said line the following:

“8.012. At all state buildings and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the

POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.**"; and

Further amend said bill, page 2, section 173.1150, line 27, by inserting immediately after all of said line the following:

"253.048. Within the state parks, the department may accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.**"; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 117, Page 1, Section 173.1150, Line 10, by inserting immediately after the word "Missouri" the following: "**and shall have been duly stationed in Missouri by their branch of the military forces of the United States for at least one year prior to their discharge**"; and further amend line 12 by inserting immediately after the word "attends" the following: "**and shall have been duly stationed within the taxing district of such community college by their branch of the military forces of the United States for at least one year prior to their discharge**".

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Dixon offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 117, Page 1, Section 173.1150, Line 9, by inserting immediately after the word "presence" the following: "**and declare residency**"; and further amend line 11 by inserting immediately after the word "presence" the following: "**and declare residency**".

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Kraus moved that **SCS** for **SB 117**, as amended, be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **SB 117**, as amended, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 43** be taken up for perfection, which motion prevailed.

On motion of Senator Munzlinger, **SB 43** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 51** be taken up for perfection, which motion prevailed.

Senator LeVota offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 51, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "to regulation of motor"; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“301.301. [1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2.] Any person replacing a stolen license plate tab [issued prior to January 1, 2009,] may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SB 51**, as amended, was declared perfected and ordered printed.

Senator Keaveny moved that **SB 86**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 86**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86

An Act to repeal section 105.684, RSMo, and to enact in lieu thereof one new section relating to the retirement plan funded ratio needed for adjustments in benefits, with an emergency clause.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 86** be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SB 86** was declared perfected and ordered printed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 28**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 121**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 110**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following report:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 182**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 89**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 211—Education.

SB 212—Judiciary and Civil and Criminal Jurisprudence.

SB 213—Jobs, Economic Development and Local Government.

SB 214—Judiciary and Civil and Criminal Jurisprudence.

SB 215—Seniors, Families and Pensions.

SB 216—Jobs, Economic Development and Local Government.

SB 217—Transportation and Infrastructure.

SB 218—General Laws.

SB 219—Financial and Governmental Organizations and Elections.

SB 220—Ways and Means.

SJR 8—Judiciary and Civil and Criminal Jurisprudence.

SJR 9—Judiciary and Civil and Criminal Jurisprudence.

SJR 10—Rules, Joint Rules, Resolutions and Ethics.

SJR 11—Ways and Means.

SJR 12—Financial and Governmental Organizations and Elections.

SJR 13—Jobs, Economic Development and Local Government.

SJR 14—General Laws.

SJR 15—Judiciary and Civil and Criminal Jurisprudence.

SJR 16—Transportation and Infrastructure.

REFERRALS

President Pro Tem Dempsey referred the Gubernatorial Appointments appearing on pages 234 through 237 of the Senate Journal for Monday, February 11, 2013 to the Committee on Gubernatorial Appointments.

President Pro Tem Dempsey referred **SCR 7** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 12, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna L. Birks, Democrat, 4710 Eastern Avenue, Kansas City, Jackson County, Missouri 64129, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2018, and until her successor is duly appointed and qualified; vice, Donna L. Birks, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 12, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Archie Camden, Democrat, 322 Rue Terre Bonne, Bonne Terre, St. Francois County, Missouri 63628, as a member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 2016, and until his successor is duly appointed and qualified; vice, Archie Camden, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 12, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Allen Collier, Republican, 608 Fifth Street, Weston, Platte County, Missouri, 64098, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, John Allen Collier, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 12, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy Flora, 1521 Ladina Place, Ellisville, Saint Louis County, Missouri 63011, as a member of the Board of Private Investigator and Private Fire Investigator Examiners, for a term ending March 4, 2016 and until his successor is duly appointed and qualified; vice, Francis "Chris" Rey, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 12, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carolyn R. Mahoney, Democrat, 1901 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, and until her successor is duly appointed and qualified; vice, Carolyn R. Mahoney, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 12, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Derek E. Williams, 1105 South Walnut, Cameron, Clinton County, Missouri 64429, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, Derek E. Williams, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 1**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Walsh, **SA 3** was withdrawn.

At the request of Senator Rupp, **SS** for **SCS** for **SB 1** was withdrawn.

Senator Rupp offered **SS No. 2** for **SCS** for **SB 1**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.200, 287.210, 287.220, 287.610, 287.690, 287.715, and 287.745, RSMo, and to enact in lieu thereof eleven new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Senator Rupp moved that **SS No. 2** for **SCS** for **SB 1** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 48, Section B, Line 28 of said page, by striking the word "section" and inserting in lieu thereof the following: "sections"; and

Further amend said bill and section, page 49, line 1 of said page, by inserting immediately after "287.220" the following: "and 287.715"; and further amend line 4 of said page, by striking the word

“section” and inserting in lieu thereof the following: “sections”; and further amend line 5 of said page, by inserting immediately after “287.220” the following: “and 287.715”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 21, Section 287.200, Line 22, by adding after the word “weeks” the following: “as set forth in section 287.220 (15)”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 5, Section 287.020, Line 17 of said page, by inserting the word “**only**” immediately after the word “shall”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 30, Section 287.220, Line 8 of said page, by striking the following: “all of”; and further amend line 24 of said page, by striking “an” and inserting in lieu thereof the following: “**a**”.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 36, Section 287.220, Line 4 of said page, by striking “may” and inserting in lieu thereof the following: “**shall**”; and further amend line 9 of said page, by inserting after the word “fund” the following: “**other than those found in subsection 15 of this section,**”.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 21, Section 287.200, Line 27, by inserting immediately after “employer” the following: “or, at the claimant’s option, the claimant may prosecute the claim in circuit court”.

Senator Walsh moved that the above amendment be adopted, which motion failed.

Senator Sifton offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 21, Section 287.200, Line 20 of said page, by inserting after “An” the following: **“additional”**; and further amend line 21 of said page, by striking “one” and inserting in lieu thereof the following: **“two”**; and further amend lines 24 and 25 of said page, by striking said lines and inserting in lieu thereof the following: **“exposure are found to be mesothelioma, in addition to subdivision (2) of this subsection, an additional amount of two hundred”**; and further amend lines 26 and 27 of said page, by striking “two hundred twenty-five” and inserting in lieu thereof the following: **“four hundred fifty”**.

Senator Sifton moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

At the request of Senator Sifton, **SA 7** was withdrawn.

Senator Rupp offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 21, Section 287.200, Lines 24-27 of said page, by striking all of said lines and inserting in lieu thereof the following: **“exposure are found to be mesothelioma, an additional amount of three hundred percent of the state’s average weekly wage for one hundred ninety-one weeks shall be paid as set forth in subsection 15 of section 287.220; and”**; and

Further amend said bill, page 27, section 287.220, line 1 of said page, by striking “subdivision 2” and inserting in lieu thereof the following: **“subdivisions (2) and (3)”**; and further amend line 2 of said page, by striking “this section” and inserting in lieu thereof the following: **“section 287.200”**; and

Further amend said bill and section, page 36, line 5 of said page, by striking “subdivision 2” and inserting in lieu thereof the following: **“subdivisions (2) and (3)”**; and

Further amend said bill, page 47, section 287.715, line 11 of said page, by striking “subdivision (2)” and inserting in lieu thereof the following: **“subdivisions (2) and (3)”**; and further amend line 16 of said page, by striking “subsection 2” and inserting in lieu thereof the following: **“subsections 2 and 6”**; and further amend line 20 of said page, by striking “subdivision (2)” and inserting in lieu thereof the following: **“subdivisions (2) and (3)”**; and further amend line 27 of said page, by striking “subdivision (2)” and inserting in lieu thereof the following: **“subdivisions (2) and (3)”**.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS No. 2** for **SCS** for **SB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS No. 2** for **SCS** for **SB 1**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred

SB 12; SCS for SB 42; SB 43; SB 51; SCS for SB 86; SCS for SB 106; SCS for SB 117; and SB 139, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 267, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Crow, which was adopted.

Senator Lager offered Senate Resolution No. 268, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Burchett, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 269, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Arthaud, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 270, regarding the One Hundredth Birthday of Goldie Phillips, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 271, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Bennett, which was adopted.

Senator Lager offered Senate Resolution No. 272, regarding Micaela Lynch, Excelsior Springs, which was adopted.

Senator Dempsey offered Senate Resolution No. 273, regarding Cathy Jankowski, Saint Peters, which was adopted.

Senator Romine offered Senate Resolution No. 274, regarding Christian Campbell, St. Francois County, which was adopted.

Senator Parson offered Senate Resolution No. 275, regarding Liam Morris Dallam, Edwards, which was adopted.

Senator Parson offered Senate Resolution No. 276, regarding Michael Bryson, Warsaw, which was adopted.

Senator Parson offered Senate Resolution No. 277, regarding Jordan Christopher Gresham, Warsaw, which was adopted.

Senator Parson offered Senate Resolution No. 278, regarding Kendall Ryan Kee, Warsaw, which was adopted.

Senator Parson offered Senate Resolution No. 279, regarding Ryan Curtis Sprouse, Warsaw, which was adopted.

Senator Parson offered Senate Resolution No. 280, regarding Nathaniel Malik Fauquier, Warsaw, which was adopted.

Senator Parson offered Senate Resolution No. 281, regarding Shania Francka, Bolivar, which was adopted.

Senator Parson offered Senate Resolution No. 282, regarding Michael Dye, Windyville, which was adopted.

Senator Justus offered Senate Resolution No. 283, regarding Nita Jones, Fulton, which was adopted.

Senator LeVota offered Senate Resolution No. 284, regarding the Fiftieth Anniversary of Nowlin Middle School, which was adopted.

Senator Parson offered Senate Resolution No. 285, regarding Carter Thomas Lapine, Sedalia, which was adopted.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

February 12, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Gary Romine to the Joint Committee on Tax Increment Financing.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

February 12, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Bob Dixon to the Court Automation Committee.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

February 12, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Ryan Silvey to the Joint Committee on Legislative Research.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kraus introduced to the Senate, the Physician of the Day, Dr. Jonathan Patterson, Independence.

Senator Kraus introduced to the Senate, Dr. Joseph Yasso and Dr. Phillip Accardo, Lee's Summit.

Senator Parson introduced to the Senate, Dylan Holloway, Kirk Jones, Levi Kemp, Scott Kirchoff, Desarae Lightfoot, Austin McCrickard, Gerry Phillips, Neoma Sanders, Lauren Shuler, Sheldon Toler, Tracy Slagle and Chris McClay, representatives of Leadership Bolivar.

Senator Emery introduced to the Senate, Mayor Ernie Jungmeyer, Homer Dunsworth, Holly Stark and Brad Ratcliff, Peculiar.

Senator Nasheed introduced to the Senate, Paula Hughes, Denise and Luanna Williams, Willard Moore, III and Janice Battle, St. Louis.

Senator Pearce introduced to the Senate, Sheriff Troy Hofstetter, Carroll County; and Sheriff Kerrick Alumbaugh, Lafayette County.

Senator Brown introduced to the Senate, Retired Sergeant Major David Mauldin and his wife, Ginger, Jefferson City.

On behalf of Senator Schmitt, the President introduced to the Senate, Gary Fuhr and Christian Tolbert, St. Louis.

Senator Schaefer introduced to the Senate, Mary Ridge, Sturgeon.

Senator Pearce introduced to the Senate, Merle Dierking, Blackburn; and retired Howard County teachers.

Senator LeVota introduced to the Senate, Councilman Christopher R. Whiting, Independence.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 221-Lamping
 SB 222-Lamping
 SB 223-Curls
 SB 224-Curls, et al
 SB 225-Curls
 SB 226-Schaefer
 SB 227-LeVota
 SB 228-Holsman
 SB 229-Brown

SB 230-Brown, et al
 SB 231-Munzlinger
 SB 232-Wallingford
 SB 233-Sater, et al
 SB 234-Wasson
 SB 235-Cunningham
 SB 236-Parson
 SB 237-Emery
 SB 238-Emery

SB 239-Emery	SB 275-Walsh
SB 240-Lager	SB 276-Emery and Nieves
SB 241-Lager	SB 277-Holsman
SB 242-Kehoe	SB 278-Kehoe
SB 243-Brown	SB 279-Kehoe
SB 244-Schaefer	SB 280-Wasson
SB 245-Justus	SB 281-Wasson
SB 246-Walsh and Silvey	SB 282-Wasson
SB 247-Walsh	SB 283-Parson
SB 248-Wasson	SB 284-Sifton, et al
SB 249-Nasheed	SB 285-Romine
SB 250-Schaaf	SB 286-Romine, et al
SB 251-Kraus and Chappelle-Nadal	SB 287-Rupp
SB 252-Kraus	SB 288-Lamping
SB 253-Justus	SB 289-Sifton
SB 254-Pearce	SB 290-Walsh
SB 255-Schmitt and Schaefer	SB 291-Rupp
SB 256-Silvey	SB 292-Rupp
SB 257-Silvey	SB 293-Pearce
SB 258-LeVota	SB 294-Schmitt
SB 259-Schaaf	SB 295-Lager
SB 260-Brown	SB 296-Lager
SB 261-Rupp	SB 297-Lager
SB 262-Curls	SB 298-Holsman
SB 263-Curls	SB 299-Holsman
SB 264-Dempsey	SB 300-Holsman
SB 265-Nieves	SB 301-McKenna, et al
SB 266-Nieves	SB 302-Wasson
SB 267-Nieves	SB 303-Wasson
SB 268-Nieves	SB 304-Wasson
SB 269-Nieves	SB 305-Wasson
SB 270-Nieves	SB 306-Wasson
SB 271-Nieves	SJR 17-Nieves
SB 272-Nieves	SJR 18-Schmitt
SB 273-Wallingford	SJR 19-Lager
SB 274-Walsh	

HOUSE BILLS ON SECOND READING

THIRD READING OF SENATE BILLS

SB 12-Schaefer	SCS for SB 86-Keaveny
SCS for SB 42-Munzlinger	SCS for SB 106-Brown
SB 43-Munzlinger	SCS for SB 117-Kraus
SB 51-Munzlinger	SB 139-Kehoe

SENATE BILLS FOR PERFECTION

SB 28-Kraus	SB 197-Sater, et al
SB 121-Schaefer, with SCS	SB 182-Kehoe, et al, with SCS
SB 9-Pearce, with SCS	SB 69-Keaveny, with SCS
SB 17-Munzlinger and Romine, with SCS	SB 89-Munzlinger, with SCS
SB 110-Brown	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp	SB 41-Munzlinger
SB 21-Dixon	SB 48-Lamping
SB 22-Dixon	

CONSENT CALENDAR

Senate Bills

Reported 2/6

SB 58-Romine	SB 77-Lamping
SB 80-Romine	

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Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You will seek the Lord your God, and you will find him if you search after him with all your heart and soul.” (Deuteronomy 4:29)

Today many observe Ash Wednesday and are called to reflect on their lives in serious and critical ways. So we pray, O Lord, that we may be true to this day, aware of our shortcomings and in need of Your mercy. Keep us close to Your heart that even our groans are heard and provide us with hope and guidance as we walk through this day of ashes toward Your promise to be with You always. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Chappelle-Nadal offered Senate Resolution No. 286, regarding Mary M. “Mimi” Stiritz, Clayton, which was adopted.

Senator Munzlinger offered Senate Resolution No. 287, regarding Alexander Coulter Engeman, Montrose, which was adopted.

Senator Munzlinger offered Senate Resolution No. 288, regarding Lauren Wieberg, Argyle, which was adopted.

Senator Munzlinger offered Senate Resolution No. 289, regarding Alyssa Rockers, Carthage, which was adopted.

Senator Munzlinger offered Senate Resolution No. 290, regarding Katie Pennell, Aurora, which was adopted.

Senator Munzlinger offered Senate Resolution No. 291, regarding Jessie Fowler, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 292, regarding Jennifer Durbin, Monroe City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 293, regarding Faith Arendt, Liberty, which was adopted.

Senator Munzlinger offered Senate Resolution No. 294, regarding Emily Evans Paul, Anderson, which was adopted.

Senator Munzlinger offered Senate Resolution No. 295, regarding Benjamin Nelson, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 296, regarding Chris Kahlenbeck, Union, which was adopted.

Senator Munzlinger offered Senate Resolution No. 297, regarding Nathan Smith, Villa Ridge, which was adopted.

Senator Munzlinger offered Senate Resolution No. 298, regarding Anthony McCollum, Purdin, which was adopted.

Senator Cunningham offered Senate Resolution No. 299, regarding Katie Judd, West Plains, which was adopted.

Senator Cunningham offered Senate Resolution No. 300, regarding the Fiftieth Anniversary of Missouri State University-West Plains, which was adopted.

Senator Lager offered Senate Resolution No. 301, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Wilmes, Maryville, which was adopted.

CONCURRENT RESOLUTIONS

Senator Sifton offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, the United States Environmental Protection Agency (EPA) has repeatedly delayed issuing regulations on coal combustion

waste; and

WHEREAS, coal combustion waste, or coal ash, contains carcinogenic and neurotoxic chemicals such as mercury, arsenic, cadmium, lead, hexavalent chromium, and other heavy metals that have been proven to harm human health; and

WHEREAS, ponds containing coal ash often leak these pollutants into the groundwater, as evidenced by documentation of contamination in other states including Illinois; and

WHEREAS, coal waste ponds at the Labadie Power Plant in Franklin County were known by the Missouri Department of Natural Resources to be leaking 50,000 gallons per day since 1992. Ameren has only recently claimed to address those known leaks, and no groundwater monitoring around the ponds has occurred or is occurring even though everyone for miles around the site in Franklin County relies on groundwater for drinking water; and

WHEREAS, the State of Missouri currently does not require any groundwater monitoring at these coal ash ponds, so that the extent of any danger to the public health cannot be determined; and

WHEREAS, there are at least 32 coal ash ponds scattered across the State of Missouri, including in Jasper, Jackson, Platte, Franklin, Buchanan, St. Louis, New Madrid, Henry, Jefferson, Scott, St. Charles, and Randolph Counties; and

WHEREAS, utilities generate over 2.6 million tons of coal ash in Missouri every year; and

WHEREAS, devastating coal ash spills took place in December 2008 in Kingston, Tennessee and in November 2011 in Oak Creek, Wisconsin, both of which resulted in property damage and expensive cleanup; and

WHEREAS, a report released by Earthjustice in August 2011 listed Missouri as one of the weakest states in the country for regulating coal combustion waste; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Department of Natural Resources, in issuing water pollution discharge permits for conventional coal-fueled electric generating units, and consistent with otherwise applicable law, to fully consider:

- (1) The need to require groundwater monitoring immediately at all new and existing coal ash ponds in the State of Missouri; and
- (2) The need to require clean-up at all coal ash ponds that are found to be leaking dangerous chemicals; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Director of the Department of Natural Resources.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 307—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to disclosure of contractual payment amounts for health care services between health carriers and health care providers.

SB 308—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to requiring health benefit plans to establish equal out-of-pocket requirements for oral anticancer medications and intravenously administered chemotherapy medications.

SB 309—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the operation of health benefit exchanges by certain public benefit corporations.

SB 310—By Nasheed.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to expungement of criminal records.

SB 311—By Nasheed.

An Act to repeal sections 160.400 and 160.425, RSMo, and to enact in lieu thereof eight new sections relating to school turnaround models to transform public schools designated in the lowest performing twenty percent of schools in the state.

SB 312—By LeVota.

An Act to amend chapters 104 and 476, RSMo, by adding thereto two new sections relating to retirement benefits.

SB 313—By LeVota.

An Act to repeal section 488.607, RSMo, and to enact in lieu thereof one new section relating to criminal case surcharges for counties or cities with domestic violence shelters.

SB 314—By Wallingford.

An Act to repeal section 324.024, RSMo, and to enact in lieu thereof one new section relating to professional applications containing Social Security numbers.

SB 315—By Pearce.

An Act to repeal section 137.720, RSMo, and to enact in lieu thereof one new section relating to collection of property taxes.

SB 316—By Parson and Justus.

An Act to amend chapter 479, RSMo, by adding thereto one new section relating to surcharges for municipal traffic violations.

SB 317—By Romine.

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof two new sections relating to providing proof of financial responsibility for motor vehicle operation in an electronic format, with penalty provisions.

SB 318—By Rupp.

An Act to repeal sections 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof three new sections relating to abortion recordkeeping, with penalty provisions.

SB 319—By Rupp.

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof two new sections relating to the modernization of certain information provided by insurance companies, with penalty provisions.

SB 320—By Schaefer.

An Act to repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to the University of Missouri board of curators.

SB 321—By Schaefer.

An Act to amend chapter 339, RSMo, by adding thereto fourteen new sections relating to the licensing of home inspectors, with penalty provisions and an effective date.

SB 322—By Dixon.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the immunity from civil liability for law enforcement officers.

SB 323—By Dixon.

An Act to repeal section 135.960, RSMo, and to enact in lieu thereof six new sections relating to job creation incentives.

Senator Pearce assumed the Chair.

REFERRALS

President Pro Tem Dempsey referred the Gubernatorial Appointments appearing on pages 255 through 257 of the Senate Journal for Tuesday, February 12, 2013 to the Committee on Gubernatorial Appointments.

President Pro Tem Dempsey referred **SCS** for **SB 42**; **SCS** for **SB 117**; and **SB 139** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Kraus moved that **SB 28** be taken up for perfection, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

Senator Kraus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 28, Page 4, Section 288.030, Line 123, by inserting immediately after the word “lawful” the following: “**or not reasonably related to the job environment and performance**”.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Kraus, **SB 28**, as amended, was placed on the Informal Calendar.

At the request of Senator Schaefer, **SB 121**, with **SCS**, was placed on the Informal Calendar.

Senator Pearce moved that **SB 9**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 9

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to University of Missouri extension districts.

Was taken up.

Senator Pearce moved that **SCS** for **SB 9** be adopted.

At the request of Senator Pearce, **SB 9**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Archie Camden to the State Board of Embalmers and Funeral Directors, submitted to you on February 12, 2013. Paragraph 1 should be amended to read:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above addendum to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Kraus moved that **SB 28**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Kraus offered **SS** for **SB 28**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 28**

An Act to repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

Senator Kraus moved that **SS** for **SB 28** be adopted, which motion prevailed.

On motion of Senator Kraus, **SS** for **SB 28** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 17**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 17**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 17**

An Act to repeal section 178.550, RSMo, and to enact in lieu thereof one new section relating to career and technical education.

Was taken up.

Senator Kraus assumed the Chair.

Senator Kehoe offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 178.550, Lines 25-26, by striking the following: "career and technical education professor or instructor employed at a community

college or at” and inserting in lieu thereof the following: “**representative from**”.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 178.550, Line 43, by striking the word “recognized”; and further amend line 44, by striking all of said line and inserting in lieu thereof the following: “**approved by the United States Department of Labor’s Office of Apprenticeship**”.

Senator Sifton moved that the above amendment be adopted.

Senator Schaefer offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 178.550, Line 44, by inserting immediately after the word “relations” the following: “**or approved by the United States Department of Labor’s Office of Apprenticeship**”.

Senator Schaefer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Munzlinger moved that **SCS** for **SB 17**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 17**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 110** be taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 110** was declared perfected and ordered printed.

Senator Sater moved that **SB 197** be taken up for perfection, which motion prevailed.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 197, Page 1, Section 199.170, Line 9, by striking the opening bracket “[”]; and further amend said line, by striking the closing bracket “]” and inserting in lieu thereof the following: “**in conjunction with the**”; and

Further amend said bill, page 6, section 199.270, line 16, by striking the word “oftener” and inserting in lieu thereof the following: “**more**”; and

Further amend said bill, page 7, section 199.275, line 8, by inserting immediately after the word “by” the following: “**the attending physician in conjunction with**”; and

Further amend said bill and page, section 199.290, lines 11-17, by striking all of said lines and inserting in lieu thereof the following:

“2. All institutions of higher education in Missouri shall implement a targeted testing program on their campuses for all on-campus students and faculty upon matriculation. If an institution does not have a student health center or similar facility, such person identified by the targeted testing program

to be at high risk for latent tuberculosis infection or for developing tuberculosis disease shall be referred to a local public health agency for a course of action consistent with sections 199.170 to 199.350.

3. Any entering student of an institution of higher education in Missouri who does not comply with the targeted testing program shall not be permitted to maintain enrollment in the subsequent semester at such institution.”.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Emery offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 197, Page 7, Section 199.275, Line 12, by striking the following “D felony” and inserting in lieu thereof the following: “**B misdemeanor**”; and further amend line 14, by striking the following “C felony” and inserting in lieu thereof the following: “**A misdemeanor**”.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sater, **SB 197**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 28** and **SS No. 2** for **SCS** for **SB 1**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS No. 2** for **SCS** for **SB 1** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaaf.

SENATE BILLS FOR PERFECTION

Senator Schaefer moved that **SB 121**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 121**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 121

An Act to repeal sections 311.071, 311.200, and 311.290, RSMo, and to enact in lieu thereof four new sections relating to liquor control, with existing penalty provisions.

Was taken up.

Senator Schaefer offered **SS** for **SCS** for **SB 121**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 121

An Act to repeal sections 311.071, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof six new sections relating to liquor control, with existing penalty provisions.

Senator Schaefer moved that **SS** for **SCS** for **SB 121** be adopted.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 121, Page 1, In the Title, Line 5 of said title, by inserting after “provisions” the following: “and an emergency clause for a certain section”; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by inserting immediately after all of said line the following:

“311.055. **1.** No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. **Any intoxicating liquor manufactured under this section may not be offered for sale.**

2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under sections 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization’s licensed premises as described in section 311.090.”; and

Further amend said bill, page 8, section 316.150, line 21 of said page, by inserting immediately after all of said line the following:

“Section B. Because of the need to clarify the laws relating to beer brewed for personal or family use, the repeal and reenactment of section 311.055 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 311.055 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Wasson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 121, Page 2, Section 311.071, Line 24 of said page, by inserting immediately after all of said line the following:

“311.091. 1. **Except as provided under subsection 2 of this section and** notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of [liquor] **alcohol and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. **Any person who possesses the qualifications required by this chapter and who meets the requirements of, and complies with the provisions of, this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry forty-five to ninety-nine passengers for hire on a lake with a shoreline that is in three counties, one of which is any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat, one of which is any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants as the county seat, and one of which is any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants. The boat must have a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.**

3. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SS for SCS for SB 121**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS for SCS for SB 121**, as amended, was declared perfected and ordered printed.

Senator Pearce moved that **SB 9**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for SB 9 was again taken up.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 9, Page 1, Section 262.598, Line 12, by

inserting immediately after the word “councils” the following: “, **except for any council located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants,**”.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Pearce moved that **SCS for SB 9**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS for SB 9**, as amended, was declared perfected and ordered printed.

Senator Kehoe moved that **SB 182**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 182, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 182**

An Act to repeal sections 32.087 and 144.757, RSMo, and to enact in lieu thereof three new sections relating to local taxes on motor vehicle sales, with an emergency clause.

Was taken up.

Senator Kehoe moved that **SCS for SB 182** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS for SB 182** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 110**; **SB 197**; and **SCS for SB 17**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 302, regarding the Conference of Grand Masters of Masons of North America, which was adopted.

Senator Nasheed offered Senate Resolution No. 303, regarding Lieutenant Stanley Charles Williams, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 304, regarding Sophie Bernstein, St. Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 305, regarding Sarah Sutherlin, Lake Saint Louis, which was adopted.

COMMUNICATIONS

Senator Justus submitted the following:

February 13, 2013

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Terry:

Due to the fact that section 21.795 requires that members of the Joint Committee on Transportation Oversight also be members of the standing Senate committee on Transportation, I hereby withdraw the appointment of Senator Jamilah Nasheed to the Joint Committee on Transportation Oversight.

Sincerely,
/s/ Jolie Justus
Jolie Justus

INTRODUCTIONS OF GUESTS

Senator Holsman introduced to the Senate, Daryl Nelson, M.D. and his father, Roy, Lee's Summit.

Senator Parson introduced to the Senate, Director Les Abel, Dorothy Loges and students, Angel Maxwell, Ashley Ward, Melanie Ellis, Amber Hamby and Samantha Dosier, Dallas County Technical Center, Louisburg.

Senator Kehoe introduced to the Senate, Julia Potter and DECA students, Courtland Gerhart, Taylor Bleich, Olivia Kunze, Taylor Walters, Ana Strickfaden and Audrey Imhoff, California High School.

Senator Cunningham introduced to the Senate, Mayor Linda Miller, Renee' Keaton and Scott Lindsey, Licking.

Senator Holsman introduced to the Senate, Councilmen Brent Steeno, John Maloney and Jim Crain, Grandview.

Senator Emery introduced to the Senate, Brian Gillis, Cody Yarick, and Traci Stevener, representatives of Future Farmers of America, Rich Hill.

Senator Emery introduced to the Senate, Matt McIntire, Archie.

Senator Emery introduced to the Senate, Caroline Bynum, Freeman; and FBLA representatives Trevor Thompson, Eli Suarez and Theresa Bynum, Midway High School, Cleveland.

Senator Emery introduced to the Senate, Scott Nolting, Traci Pattison, Steven Shields, Kari Worsley and students, Johnna Cato, Rose Compton, Ashton Kirkpatrick, Caitlyn McKibben, Jade and Trent Morgan, Zack Neher, Jacob Russell and Tai Thrasher, Future Farmers of America Officers, Lamar Career Technical Center.

Senator Nieves introduced to the Senate, the Physician of the Day, Dr. Elliot Korn, Wildwood.

Senator LeVota introduced to the Senate, Councilman and former State Representative Curt Dougherty, Councilman Jim Schultz and Robert Heacock, Independence.

Senator Munzlinger introduced to the Senate, Rhian Beldon, Shelbina; Sonja Perry, Bowling Green; Jaelyn Bergmann, Perry; Courtney Spencer, Aurora; Ryan Messner, Stanberry; Samantha Gibson, Norborne; Kenneth Swope, Boonville; Allyson Smith, Centerview; Katie Gibson, Holts Summit; Sarah Bastin, Golden City; Cody Stewart, Ash Grove; Ashlee Jones, Highlandville; Mallary Burris, Bakersfield; Cody Shoop, Linn; Anna Eftink, Bloomfield; Sam Turner, Bernie; and Brady James, Hurdland, State Future Farmers of

America Officers.

Senator Pearce introduced to the Senate, Bonnie Branson, Higginsville; Linda Hoffman, Sedalia; Nicole Farrell, Whiteman Air Force Base; and Emily Lippman, Malta.

Senator Curls introduced to the Senate, Linda Spence, Kansas City.

Senator Brown introduced to the Senate, Sherry Struckhoff and CTE students from Waynesville Career Center.

Senator Schmitt introduced to the Senate, Jim Berterich, Larry Belgeri, David Burlis, Jeannie Braun, Chris and Lee Clauss, Jim Donze, Ginny and Lon Goede, Richard Hely, Thad James, Vance Scherrer, Debbie Schirmer, Tom Schopp, Curtis Turner and Jeannie Braun, representatives of Fenton Area Chamber of Commerce.

Senator Pearce introduced to the Senate, Michelle Hanson, Abrea Mizer, Ellen Woolsey, Derek Lark and Randy Plattner, Saline County Career Center; and Sarrah Dobson, Lex La-Ray Technical Center, Lexington.

Senator Kraus introduced to the Senate, Councilman and former State Representative Derek Holland, Lee's Summit.

Senator Richard introduced to the Senate, Gary Duncan, Joplin.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 14, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 221-Lamping
SB 222-Lamping
SB 223-Curls
SB 224-Curls, et al
SB 225-Curls
SB 226-Schaefer
SB 227-LeVota
SB 228-Holsman
SB 229-Brown
SB 230-Brown, et al
SB 231-Munzlinger
SB 232-Wallingford

SB 233-Sater, et al
SB 234-Wasson
SB 235-Cunningham
SB 236-Parson
SB 237-Emery
SB 238-Emery
SB 239-Emery
SB 240-Lager
SB 241-Lager
SB 242-Kehoe
SB 243-Brown
SB 244-Schaefer

SB 245-Justus	SB 286-Romine, et al
SB 246-Walsh and Silvey	SB 287-Rupp
SB 247-Walsh	SB 288-Lamping
SB 248-Wasson	SB 289-Sifton
SB 249-Nasheed	SB 290-Walsh
SB 250-Schaaf	SB 291-Rupp
SB 251-Kraus and Chappelle-Nadal	SB 292-Rupp
SB 252-Kraus	SB 293-Pearce
SB 253-Justus	SB 294-Schmitt
SB 254-Pearce	SB 295-Lager
SB 255-Schmitt and Schaefer	SB 296-Lager
SB 256-Silvey	SB 297-Lager
SB 257-Silvey	SB 298-Holsman
SB 258-LeVota	SB 299-Holsman
SB 259-Schaaf	SB 300-Holsman
SB 260-Brown	SB 301-McKenna, et al
SB 261-Rupp	SB 302-Wasson
SB 262-Curls	SB 303-Wasson
SB 263-Curls	SB 304-Wasson
SB 264-Dempsey	SB 305-Wasson
SB 265-Nieves	SB 306-Wasson
SB 266-Nieves	SB 307-Schaaf
SB 267-Nieves	SB 308-Schaaf
SB 268-Nieves	SB 309-Schaaf
SB 269-Nieves	SB 310-Nasheed
SB 270-Nieves	SB 311-Nasheed
SB 271-Nieves	SB 312-LeVota
SB 272-Nieves	SB 313-LeVota
SB 273-Wallingford	SB 314-Wallingford
SB 274-Walsh	SB 315-Pearce
SB 275-Walsh	SB 316-Parson and Justus
SB 276-Emery and Nieves	SB 317-Romine
SB 277-Holsman	SB 318-Rupp
SB 278-Kehoe	SB 319-Rupp
SB 279-Kehoe	SB 320-Schaefer
SB 280-Wasson	SB 321-Schaefer
SB 281-Wasson	SB 322-Dixon
SB 282-Wasson	SB 323-Dixon
SB 283-Parson	SJR 17-Nieves
SB 284-Sifton, et al	SJR 18-Schmitt
SB 285-Romine	SJR 19-Lager

HOUSE BILLS ON SECOND READING

HCS for HB 87

THIRD READING OF SENATE BILLS

- | | |
|--|---|
| 1. SB 12-Schaefer | 8. SB 139-Kehoe (In Fiscal Oversight) |
| 2. SCS for SB 42-Munzlinger
(In Fiscal Oversight) | 9. SS for SB 28-Kraus |
| 3. SB 43-Munzlinger | 10. SS#2 for SCS for SB 1-Rupp
(In Fiscal Oversight) |
| 4. SB 51-Munzlinger | 11. SB 110-Brown |
| 5. SCS for SB 86-Keaveny | 12. SB 197-Sater, et al |
| 6. SCS for SB 106-Brown | 13. SCS for SB 17-Munzlinger and Romine |
| 7. SCS for SB 117-Kraus
(In Fiscal Oversight) | |

SENATE BILLS FOR PERFECTION

SB 69-Keaveny, with SCS

SB 89-Munzlinger, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp	SB 41-Munzlinger
SB 21-Dixon	SB 48-Lamping
SB 22-Dixon	

CONSENT CALENDAR

Senate Bills

Reported 2/6

SB 58-Romine	SB 77-Lamping
SB 80-Romine	

RESOLUTIONS

To be Referred

SCR 8-Sifton

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 14, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“Faith, hope and love abide these three; but the greatest of these is love.” (I Corinthians 13:13)

Loving Lord, on this proclaimed day of love, teach us to love one another, forgive one another and share the joys and laughter of our lives with one another. And as we return home to those You have given us to love, bind us with the cords of love that cannot be broken. Unleash in us a care and love for those we love that it is witnessed by those around us. And may our love flow into our communities and state in all that we say and do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 306, regarding Nancy Fairbank, Springfield, which was adopted.

Senator McKenna offered Senate Resolution No. 307, regarding Ryan Schweitzer, Hillsboro, which was adopted.

Senator Pearce offered Senate Resolution No. 308, regarding Andrew Jay Jensen, Chillicothe, which was adopted.

Senator Dixon offered Senate Resolution No. 309, regarding Mary Collette, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 310, regarding the Springfield Council of PTAs, which was adopted.

CONCURRENT RESOLUTIONS

Senators Justus and Chappelle-Nadal submitted the following:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, civil aviation plays a pivotal role in promoting cultural exchange, business, trade and tourism; and

WHEREAS, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, with an excellent geographic location, Taiwan is a key aviation hub for regions in northeastern and southeastern Asia; and

WHEREAS, the Taipei Flight Information Region (FIR), bordering the FIRs of Fukuoka, Manila, Hong Kong and Shanghai, includes 14 international airways and 4 domestic airways, providing services for more than one million flights per year; and

WHEREAS, each year, approximately 40 million travelers enter, leave or pass through the Taipei FIR, making Taiwan a key part of air navigation in East Asia; and

WHEREAS, currently, more than 50 domestic and foreign airlines operate flights from Taiwan to 110 cities in the world and the annual number of passengers on international flights is approximately 30 million; and

WHEREAS, in 2010, the number of international passengers at Taiwan's largest airport – Taoyuan International Airport – ranked 16th worldwide, while international cargo ranked 9th, making Taiwan one of the busiest airspaces in the world; and

WHEREAS, without Taiwan's participation, international flight plans, regulations and procedure that the ICAO formulates will be incomplete and unsafe; and

WHEREAS, as an island in the Pacific Ocean, Taiwan is imperiled by rising sea levels and the ravages of extreme weather; and

WHEREAS, it is apparent that to overcome the challenges posed by such an immense undertaking as climate change, there must be concerted effort and cooperation among the world citizenry; and

WHEREAS, Taiwan's exclusion from meaningful participation in UNFCCC has been to the detriment of both the Taiwanese people and the global community as Taiwan not only has the means but also incentive to make a meaningful contribution; and

WHEREAS, Taiwan's request to participate in the International Civil Aviation Organization (ICAO) and the United Nations Framework Convention on Climate Change (UNFCCC) is fully in line with the United States government's policy of supporting Taiwan's meaningful participation in United Nations specialized agencies; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, endorse Taiwan's participation in the International Civil Aviation Organization (ICAO) as an observer; and

BE IT FURTHER RESOLVED that the Missouri General Assembly is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change (UNFCCC) and, as a collaborative partner of the United States on a wide

range of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing natural disasters; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Secretary of State, the United States Secretary of Transportation, the Administrator of the United States Environmental Protection Agency, each member of the Missouri Congressional delegation, and the Director-General of the Taipei Economic and Cultural Office in Kansas City.

President Pro Tem Dempsey assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 324—By Wallingford.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to limited lines travel insurance producer licensing.

SB 325—By Nieves.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to firearms, with a penalty provision.

SB 326—By McKenna.

An Act to repeal section 302.080, RSMo, and to enact in lieu thereof one new section relating to exempting certain railroad crew members from the state driver's licensing law.

SB 327—By Dixon.

An Act to repeal sections 544.455 and 557.011, RSMo, and to enact in lieu thereof two new sections relating to the cost of electronic monitoring, with existing penalty provisions.

SB 328—By Brown.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to sweepstakes terminal devices.

SB 329—By Brown.

An Act to repeal section 196.311, RSMo, and to enact in lieu thereof one new section relating to eggs.

SB 330—By Wasson.

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice arrangements between a physician and an advanced practice registered nurse.

SB 331—By Schmitt.

An Act to repeal sections 559.100, 559.105, and 570.120, RSMo, and to enact in lieu thereof three new sections relating to restitution, with existing penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight,

submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SB 1**; **SCS** for **SB 42**; **SB 139**; and **SCS** for **SB 117**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 12, introduced by Senator Schaefer, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil liability immunity for court appointed attorneys, with an emergency clause.

Was taken up.

On motion of Senator Schaefer, **SB 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 42**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 42

An Act to repeal sections 221.070, 313.321, 488.5028, and 571.104, RSMo, and to enact in lieu thereof five new sections relating to delinquent debts for the cost of imprisonment in a county jail.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **SCS** for **SB 42** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 43, introduced by Senator Munzlinger, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to compliance with federal law regarding the weight allowance for idle reduction technology.

Was taken up.

On motion of Senator Munzlinger, **SB 43** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 51, introduced by Senator Munzlinger, entitled:

An Act to repeal sections 301.301 and 307.400, RSMo, and to enact in lieu thereof two new sections relating to regulation of motor vehicles, with existing penalty provisions.

Was taken up.

On motion of Senator Munzlinger, **SB 51** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 86**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86

An Act to repeal section 105.684, RSMo, and to enact in lieu thereof one new section relating to the retirement plan funded ratio needed for adjustments in benefits, with an emergency clause.

Was taken up by Senator Keaveny.

On motion of Senator Keaveny, **SCS** for **SB 86** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106

An Act to amend chapters 173, 192, and 324, RSMo, by adding thereto three new sections relating to current and former military personnel.

Was taken up by Senator Brown.

On motion of Senator Brown, **SCS** for **SB 106** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

An Act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

Was taken up by Senator Kraus.

On motion of Senator Kraus, **SCS** for **SB 117** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 139, introduced by Senator Kehoe, entitled:

An Act to repeal sections 610.010, 610.015, 610.020, 610.021, 610.022, 610.023, and 610.027, RSMo, and to enact in lieu thereof seven new sections relating to public records and meetings, with an emergency clause.

Was taken up.

On motion of Senator Kehoe, **SB 139** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SB 28, introduced by Senator Kraus, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 28

An Act to repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

Was taken up.

On motion of Senator Kraus, **SS for SB 28** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators

Chappelle-Nadal Nasheed—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS No. 2 for SCS for SB 1, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.200, 287.210, 287.220, 287.610, 287.690, 287.715, and 287.745, RSMo, and to enact in lieu thereof eleven new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Was taken up.

On motion of Senator Rupp, **SS No. 2** for **SCS** for **SB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators

Chappelle-Nadal Nasheed—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 110, introduced by Senator Brown, entitled:

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

Was taken up.

On motion of Senator Brown, **SB 110** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

SB 197, introduced by Senator Sater, et al, entitled:

An Act to repeal sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, and to enact in lieu thereof twelve new sections relating to tuberculosis testing, with penalty provisions.

Was taken up by Senator Sater.

On motion of Senator Sater, **SB 197** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rupp moved that motion lay on the table, which motion prevailed.

SCS for SB 17, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 17

An Act to repeal section 178.550, RSMo, and to enact in lieu thereof one new section relating to career and technical education.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **SCS for SB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 58, introduced by Senator Romine, entitled:

An Act to amend chapter 77, RSMo, by adding thereto one new section relating to the passage of ordinances in the city of Farmington.

Was called from the Consent Calendar and taken up.

On motion of Senator Romine, **SB 58** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp

Sater Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—32

NAYS—Senators

Emery Schaaf—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 80, introduced by Senator Romine, entitled:

An Act to repeal section 344.040, RSMo, and to enact in lieu thereof one new section relating to the notification of license renewal for nursing home administrators.

Was called from the Consent Calendar and taken up.

On motion of Senator Romine, **SB 80** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 77, introduced by Senator Lamping, entitled:

An Act to repeal section 210.278, RSMo, and to enact in lieu thereof one new section relating to

neighborhood youth development programs.

Was called from the Consent Calendar and taken up.

On motion of Senator Lamping, **SB 77** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR**s 5 and 12, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB**s 256, 33 and 305, entitled:

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof two new sections relating to public safety, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 48** and **216**, entitled:

An Act to repeal sections 115.427 and 115.430, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 9**; **SS** for **SCS** for **SB 121**; and **SCS** for **SB 182**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 60**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 59**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 34**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 23**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 24**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 75**, begs leave to report that

it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 101**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 45**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 127**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 88**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following report:

Mr. President: Your Committee on Transportation and Infrastructure, to which were referred **SB 176** and **SB 192**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 221—Seniors, Families and Pensions.

SB 222—Seniors, Families and Pensions.

SB 223—Seniors, Families and Pensions.

SB 224—Progress and Development.

SB 225—Judiciary and Civil and Criminal Jurisprudence.

SB 226—Veterans' Affairs and Health.

SB 227—Rules, Joint Rules, Resolutions and Ethics.

SB 228—Agriculture, Food Production and Outdoor Resources.

SB 229—Veterans' Affairs and Health.

SB 230—Veterans' Affairs and Health.

SB 231—Ways and Means.

SB 232—Seniors, Families and Pensions.

SB 233—Veterans' Affairs and Health.

SB 234—Financial and Governmental Organizations and Elections.

SB 235—Financial and Governmental Organizations and Elections.

SB 236—Governmental Accountability and Fiscal Oversight.

SB 237—Commerce, Consumer Protection, Energy and the Environment.

SB 238—Small Business, Insurance and Industry.

SB 239—General Laws.

SB 240—Commerce, Consumer Protection, Energy and the Environment.

SB 241—Commerce, Consumer Protection, Energy and the Environment.

SB 242—Education.

SB 243—Judiciary and Civil and Criminal Jurisprudence.

SB 244—Financial and Governmental Organizations and Elections.

SB 245—Judiciary and Civil and Criminal Jurisprudence.

SB 246—Ways and Means.

SB 247—Judiciary and Civil and Criminal Jurisprudence.

SB 248—Jobs, Economic Development and Local Government.

SB 249—Education.

SB 250—Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Dempsey referred **SCR 8** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

February 13, 2013

Senator Tom Dempsey – President Pro-Tem
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Dempsey:

I hereby resign from the Joint Committee on Legislative Research. In addition, I request that you consider appointing the following members of the minority caucus to the three Senate minority vacancies:

Senator Paul LeVota

Senator Scott Sifton

Senator Jason Holsman

Sincerely,
/s/ Jolie Justus
Jolie Justus

Also,

February 14, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Gina Walsh to the Joint Committee on Public Employee Retirement. Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

February 14, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing the following to the Joint Committee on Legislative Research:

- Senator Paul LeVota
- Senator Scott Sifton
- Senator Jason Holsman

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Wallingford introduced to the Senate, Amy Aldridge, Cape Girardeau.

Senator Sater introduced to the Senate, Scott George, Mt. Vernon.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, February 18, 2013.

SENATE CALENDAR

TWENTY-SECOND DAY—MONDAY, FEBRUARY 18, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 251-Kraus and Chappelle-Nadal	SB 268-Nieves
SB 252-Kraus	SB 269-Nieves
SB 253-Justus	SB 270-Nieves
SB 254-Pearce	SB 271-Nieves
SB 255-Schmitt and Schaefer	SB 272-Nieves
SB 256-Silvey	SB 273-Wallingford
SB 257-Silvey	SB 274-Walsh
SB 258-LeVota	SB 275-Walsh
SB 259-Schaaf	SB 276-Emery and Nieves
SB 260-Brown	SB 277-Holsman
SB 261-Rupp	SB 278-Kehoe
SB 262-Curls	SB 279-Kehoe
SB 263-Curls	SB 280-Wasson
SB 264-Dempsey	SB 281-Wasson
SB 265-Nieves and Cunningham	SB 282-Wasson
SB 266-Nieves	SB 283-Parson
SB 267-Nieves	SB 284-Sifton, et al

SB 285-Romine	SB 310-Nasheed
SB 286-Romine, et al	SB 311-Nasheed
SB 287-Rupp	SB 312-LeVota
SB 288-Lamping	SB 313-LeVota
SB 289-Sifton	SB 314-Wallingford
SB 290-Walsh	SB 315-Pearce
SB 291-Rupp	SB 316-Parson and Justus
SB 292-Rupp	SB 317-Romine
SB 293-Pearce	SB 318-Rupp
SB 294-Schmitt	SB 319-Rupp
SB 295-Lager	SB 320-Schaefer
SB 296-Lager	SB 321-Schaefer
SB 297-Lager	SB 322-Dixon
SB 298-Holsman	SB 323-Dixon
SB 299-Holsman	SB 324-Wallingford
SB 300-Holsman	SB 325-Nieves
SB 301-McKenna, et al	SB 326-McKenna
SB 302-Wasson	SB 327-Dixon
SB 303-Wasson	SB 328-Brown
SB 304-Wasson	SB 329-Brown
SB 305-Wasson	SB 330-Wasson
SB 306-Wasson	SB 331-Schmitt
SB 307-Schaaf	SJR 17-Nieves
SB 308-Schaaf	SJR 18-Schmitt
SB 309-Schaaf	SJR 19-Lager

HOUSE BILLS ON SECOND READING

HCS for HB 87	HCS for HBs 256, 33 & 305
HCS for HJR 5 & 12	HCS for HBs 48 & 216

THIRD READING OF SENATE BILLS

SCS for SB 9-Pearce	SCS for SB 182-Kehoe, et al
SS for SCS for SB 121-Schaefer	

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------|---------------------|
| 1. SB 69-Keaveny, with SCS | 3. SB 59-Rupp |
| 2. SB 89-Munzlinger, with SCS | 4. SB 34-Cunningham |

- | | |
|----------------------------|--|
| 5. SB 24-Parson | 11. SB 138-Kraus |
| 6. SB 75-Brown | 12. SB 127-Sater |
| 7. SB 101-Wasson, with SCS | 13. SB 88-Schaaf, with SCS |
| 8. SB 16-Munzlinger | 14. SBs 176 & 192-Schmitt, et al, with SCS |
| 9. SB 45-Dixon, with SCS | 15. SB 100-Keaveny |
| 10. SB 29-Brown, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp	SB 41-Munzlinger
SB 21-Dixon	SB 48-Lamping
SB 22-Dixon	

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 60-Rupp	SB 23-Parson
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RESOLUTIONS

To be Referred

SCR 9-Justus and Chappelle-Nadal



Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 18, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If your actions inspire others to dream more, learn more, do more and become more, you are a leader.” (John Quincy Adams)

Gracious God, on this Presidential holiday, we are mindful of our duty as we also serve the public. Let us provide the leadership that is needful and required of us. Let our words and actions be inspiring to others so that we might be a stronger and wiser state. So we need Your guidance and direction for what is right and helpful for our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 14, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal Rupp—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Brown offered Senate Resolution No. 311, regarding Clark Harrison, which was adopted.

Senator Kraus offered Senate Resolution No. 312, regarding Samuel Holland, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 313, regarding Slava Butkovich, Blue Springs, which was adopted.

Senator Kehoe offered Senate Resolution No. 314, regarding Ciana Lear, Jefferson City, which was adopted.

Senator Romine offered Senate Resolution No. 315, regarding the Antoine Lalumondiere Home, Sainte Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 316, regarding the Bismark Depot, Saint Francois County, which was adopted.

Senator Emery offered Senate Resolution No. 317, regarding Stephanie Gruetze, which was adopted.

Senator Munzlinger offered Senate Resolution No. 318, regarding Elvis Gundy, Memphis, which was adopted.

On behalf of Senator Chappelle-Nadal, Senator Justus offered Senate Resolution No. 319, regarding the death of David Green, Northwoods, which was adopted.

Senator Schmitt offered Senate Resolution No. 320, regarding Michael Joseph Tayon, Des Peres, which was adopted.

Senator Schmitt offered Senate Resolution No. 321, regarding Thomas John Weissert, Des Peres, which was adopted.

Senator Schmitt offered Senate Resolution No. 322, regarding John Lawrence Thompson, St. Louis, which was adopted.

Senator Wallingford offered Senate Resolution No. 323, regarding the One Hundredth Birthday of Carlos W. Chitty, Cape Girardeau, which was adopted.

Senator Dixon offered Senate Resolution No. 324, regarding Isaac Stewart Zimmerman, which was adopted.

On behalf of Senator Rupp, Senator Richard offered Senate Resolution No. 325, regarding Michael Rhoades, Wentzville, which was adopted.

Senator Brown offered Senate Resolution No. 326, regarding Bunker R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 327, regarding Centerville R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 328, regarding Crocker R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 329, regarding Dixon R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 330, regarding Green Forest R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 331, regarding Laquey R-V School District, which was adopted.

Senator Brown offered Senate Resolution No. 332, regarding Newburg R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 333, regarding Swedeborg R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 334, regarding Waynesville R-VI School District, which was adopted.

Senator Brown offered Senate Resolution No. 335, regarding Steelville R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 336, regarding Salem R-80 School District, which was adopted.

Senator Brown offered Senate Resolution No. 337, regarding Rolla 31 School District, which was adopted.

Senator Brown offered Senate Resolution No. 338, regarding Phelps County R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 339, regarding Oak Hill R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 340, regarding North Wood R-IV School District, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 332—By Libla.

An Act to repeal sections 160.045, 168.104, 168.114, 168.124, 168.126, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof six new sections relating to educator quality.

SB 333—By Silvey.

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified research expenses.

SB 334—By Sifton.

An Act to repeal section 393.190, RSMo, and to enact in lieu thereof one new section relating to approval by the public service commission for the sale or transfer of a water or sewer utility.

SB 335—By Sifton.

An Act to repeal section 386.370, RSMo, and to enact in lieu thereof one new section relating to the public service commission assessment of water and sewer corporations.

SB 336—By Walsh.

An Act to amend chapter 443, RSMo, by adding thereto twenty-four new sections relating to real estate

foreclosure, with penalty provisions.

SB 337—By Sater.

An Act to repeal sections 407.924, 407.925, 407.926, 407.927, 407.928, 407.929, 407.931, 407.933, and 407.934, RSMo, and to enact in lieu thereof nine new sections relating to the sale of tobacco related products to minors, with penalty provisions.

SB 338—By Romine.

An Act to repeal section 217.345, RSMo, and to enact in lieu thereof one new section relating to correctional treatment programs for offenders of a certain age.

SB 339—By Romine.

An Act to repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 288.040, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof ten new sections relating to workforce development programs.

SB 340—By Schmitt.

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof one new section relating to taxation.

SB 341—By Schmitt.

An Act to repeal section 67.010, RSMo, and to enact in lieu thereof one new section relating to political subdivisions.

SB 342—By Parson, Brown and Munzlinger.

An Act to repeal section 348.521, RSMo, and to enact in lieu thereof one new section relating to agricultural loans.

SB 343—By Parson.

An Act to amend chapter 443, RSMo, by adding thereto one new section relating to real estate loans.

SB 344—By Parson.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school attendance center report cards.

SB 345—By Lamping.

An Act to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

Senator Kehoe assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 9**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 9**

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to University of

Missouri extension districts.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Libla	Munzlinger	Nasheed	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaefer	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Kraus	Lamping	LeVota	Schaaf	Schmitt	Sifton	Walsh—7
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Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Lager	McKenna	Rupp—4
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Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 121**, introduced by Senator Schaefer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 121

An Act to repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to liquor control, with existing penalty provisions and an emergency clause for a certain section.

Was taken up.

President Pro Tem Dempsey assumed the Chair.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 121** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal Lager McKenna Rupp—4

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal Lager McKenna Rupp—4

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 182, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 182

An Act to repeal sections 32.087 and 144.757, RSMo, and to enact in lieu thereof three new sections relating to local taxes on motor vehicle sales, with an emergency clause.

Was taken up by Senator Kehoe.

On motion of Senator Kehoe, **SCS for SB 182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators—None

Absent—Senators

Kraus Schmitt—2

Absent with leave—Senators

Chappelle-Nadal Lager McKenna Rupp—4

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senators

Chappelle-Nadal Lager McKenna Rupp—4

Vacancies—None

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Dempsey referred **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

February 18, 2013

Senator Tom Dempsey – President Pro-Tem
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Dempsey:

I hereby resign from the Joint Committee on Administrative Rules. Further, I recommend for your appointment to that committee the following members of the minority caucus:

Senator Paul LeVota
Senator Scott Sifton

Thank you for your consideration.

Sincerely,
/s/ Jolie Justus
Jolie Justus

Also,

February 18, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Ryan Silvey to the Joint Committee on Capitol Improvements and Leases Oversight.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

February 18, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing the following senators to the Joint Committee on Administrative Rules (JCAR):

- Senator Paul LeVota
- Senator Scott Sifton

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Darian “D.J.” LaRue, Jefferson City; and Darian was made an honorary page.

Senator Curls introduced to the Senate, the Missouri Chapters of the Delta Sigma Theta Sorority, Inc.

Senator Schmitt introduced to the Senate, Mike and Michelle Thompson and their son, John, St. Louis; and Arlene Dunlap.

Senator Lamping introduced to the Senate, Kyle, Rita and Jordan Savage, Kansas City.

Senator Munzlinger introduced to the Senate, 2013 4-H Legislative Academy delegates Faith Arendt, Liberty; Jennifer Durbin, Monroe City; Alexander Engeman, Montrose; Jessie Fowler, Vandalia; Chris Kahlenbeck, Union; Anthony McCollum, Purdin; Benjamin Nelson, Macon; Emily Paul, Anderson; Katie Pennell, Aurora; Alyssa Rockers, Carthage; Nathan Smith, Villa Ridge; Lauren Wieberg, Argyle; and

leaders Steve Hennes and Joyce Taylor, Columbia.

Senator Nieves introduced to the Senate, Mike and Debbie Dougherty, Lake Sherwood.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 251-Kraus and Chappelle-Nadal	SB 277-Holsman
SB 252-Kraus	SB 278-Kehoe
SB 253-Justus	SB 279-Kehoe
SB 254-Pearce	SB 280-Wasson
SB 255-Schmitt and Schaefer	SB 281-Wasson
SB 256-Silvey	SB 282-Wasson
SB 257-Silvey	SB 283-Parson
SB 258-LeVota	SB 284-Sifton, et al
SB 259-Schaaf	SB 285-Romine
SB 260-Brown	SB 286-Romine, et al
SB 261-Rupp	SB 287-Rupp
SB 262-Curls	SB 288-Lamping
SB 263-Curls	SB 289-Sifton
SB 264-Dempsey	SB 290-Walsh
SB 265-Nieves and Cunningham	SB 291-Rupp
SB 266-Nieves	SB 292-Rupp
SB 267-Nieves	SB 293-Pearce
SB 268-Nieves	SB 294-Schmitt
SB 269-Nieves	SB 295-Lager
SB 270-Nieves	SB 296-Lager
SB 271-Nieves	SB 297-Lager
SB 272-Nieves	SB 298-Holsman
SB 273-Wallingford	SB 299-Holsman
SB 274-Walsh	SB 300-Holsman
SB 275-Walsh	SB 301-McKenna, et al
SB 276-Emery and Nieves	SB 302-Wasson

SB 303-Wasson	SB 326-McKenna
SB 304-Wasson	SB 327-Dixon
SB 305-Wasson	SB 328-Brown
SB 306-Wasson	SB 329-Brown
SB 307-Schaaf	SB 330-Wasson
SB 308-Schaaf	SB 331-Schmitt
SB 309-Schaaf	SB 332-Libla
SB 310-Nasheed	SB 333-Silvey
SB 311-Nasheed	SB 334-Sifton
SB 312-LeVota	SB 335-Sifton
SB 313-LeVota	SB 336-Walsh
SB 314-Wallingford	SB 337-Sater
SB 315-Pearce	SB 338-Romine
SB 316-Parson and Justus	SB 339-Romine
SB 317-Romine	SB 340-Schmitt
SB 318-Rupp	SB 341-Schmitt
SB 319-Rupp	SB 342-Parson, et al
SB 320-Schaefer	SB 343-Parson
SB 321-Schaefer	SB 344-Parson
SB 322-Dixon	SB 345-Lamping
SB 323-Dixon	SJR 17-Nieves
SB 324-Wallingford	SJR 18-Schmitt
SB 325-Nieves	SJR 19-Lager

HOUSE BILLS ON SECOND READING

HCS for HB 87	HCS for HBs 256, 33 & 305
HCS for HJR 5 & 12	HCS for HBs 48 & 216

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------|--|
| 1. SB 69-Keaveny, with SCS | 9. SB 45-Dixon, with SCS |
| 2. SB 89-Munzlinger, with SCS | 10. SB 29-Brown, with SCS |
| 3. SB 59-Rupp | 11. SB 138-Kraus |
| 4. SB 34-Cunningham | 12. SB 127-Sater |
| 5. SB 24-Parson | 13. SB 88-Schaaf, with SCS |
| 6. SB 75-Brown | 14. SBs 176 & 192-Schmitt, et al, with SCS |
| 7. SB 101-Wasson, with SCS | 15. SB 100-Keaveny |
| 8. SB 16-Munzlinger | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp
SB 21-Dixon
SB 22-Dixon

SB 41-Munzlinger
SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 60-Rupp

SB 23-Parson

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Abram believed the Lord; and the Lord reckoned it to him as righteousness.” (Genesis 15:6)

Heavenly Father, Your words are true and we are grateful for them, for they provide us hope and we never doubt that You are good to Your promises for we find them in our daily lives. You provide us a glimpse of Your justice and what is expected of us; so help us do our part to bring this vision into reality. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 341, regarding Coach Jeff Diekmann, Lee’s Summit North High School, which was adopted.

CONCURRENT RESOLUTIONS

Senators Chappelle-Nadal, Curls and Nasheed offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, immigration is a federal issue and Missouri residents value the protection of the borders of the United States; and

WHEREAS, Missouri residents value family and community and desire to avoid the separation of children from parents as long as a felony has not been committed by a parent; and

WHEREAS, Missouri residents respect the decisions made by local law enforcement as well as their judgments and support their focus on criminal activity in the state; and

WHEREAS, Missouri residents value a thriving economy and acknowledge that the state is only as successful as its tax payers; and

WHEREAS, the immigrant community in Missouri is a growing community which contributes meaningful employment within the state and pays taxes which bolster state revenues further enhancing the ability of the state to maintain its programs; and

WHEREAS, Missouri residents encourage and support the immigrant community to forge a path to become residents of this state and citizens of this country; and

WHEREAS, as all people are created equal to live freely in their pursuit of happiness, this nation must adopt a humane approach to treating all people with the same dignity and respect our founding fathers fought for in gaining our independence:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge law enforcement of this state to focus on criminal activity within the state and not on civil violations of federal law; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to aid in changing the federal immigration policy in accordance with the aforementioned principles for the betterment of this great country; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, each member of the Missouri Congressional delegation, and the superintendent of the Missouri State Highway Patrol.

Senators Chappelle-Nadal, Walsh, Nasheed and Holsman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

WHEREAS, the Mallinckrodt Chemical Works (MCW), near downtown St. Louis, was contracted by the Manhattan District of the United States Army Corps of Engineers in April 1942 to determine how to purify tons of uranium and achieved success in only 50 days; and

WHEREAS, MCW then processed all the uranium used for the world's first self-sustaining nuclear chain reaction in Chicago on December 2, 1942 that marks the birth of the Atomic Age; and

WHEREAS, MCW continued processing uranium for nuclear weapons for 15 years at the downtown St. Louis site, and another 10 years at Weldon Springs in St. Charles County, and generated tons of highly dangerous, long-lived radioactive waste; and

WHEREAS, the resulting radioactive wastes have been stockpiled, transported, spilled and have blown and eroded onto dozens of St. Louis locations over the subsequent 70 years; and

WHEREAS, the United States Department of Energy remediated the Weldon Springs site's 1.48 million cubic yards of radioactive waste at a cost of one billion federal tax dollars and also remediated many St. Louis sites; and

WHEREAS, in 1998 the Corps of Engineers took over the remediation of the St. Louis sites as part of the Formerly Utilized (Manhattan Project/Atomic Energy Commission) Sites Remedial Action Program (FUSRAP); and

WHEREAS, under Corps leadership more than one million cubic yards of the MCW radioactive wastes have been excavated and transported to licensed radioactive waste disposal sites in Utah and Idaho at a cost of more than one billion federal tax dollars and the Corps expects to continue the St. Louis City and County remediation projects for an estimated four additional years; and

WHEREAS, only one St. Louis site contaminated with MCW radioactive wastes is under the jurisdiction of the United States Environmental Protection Agency (EPA), namely the West Lake Landfill, an EPA-designated Superfund site in Bridgeton, Missouri; and

WHEREAS, the West Lake Landfill is not a location designed to store radioactive wastes; and

WHEREAS, the West Lake Landfill site, located in the Missouri River flood plain and along the New Madrid earthquake fault, contains an estimated 143,000 cubic yards of MCW radioactive wastes that were illegally dumped there in 1973; and

WHEREAS, the West Lake Landfill radioactive wastes have already contaminated the soil and are already in contact with the groundwater that flows into the Missouri River about eight miles upstream from the Missouri American Water Company's North Plant in Florissant, the drinking water resource for all of North St. Louis County above Interstate 70; and

WHEREAS, the West Lake groundwater also flows into the Missouri River upstream from the Missouri-Mississippi River confluence, just above the Chain of Rocks drinking water intake facility for the City of St. Louis; and

WHEREAS, the radioactive wastes will continue releasing radioactive liquids, particles and gases for hundreds of thousands of years and beyond; and

WHEREAS, exposure to radioactive liquids, particles and gases increase the risk of cancer, other life-threatening diseases, genetic mutations and birth defects:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby request the United States Congress to transfer the authority for the remediation of the West Lake Landfill radioactive wastes from the EPA to the Corps of Engineers' FUSRAP project with the urgent, related request that the wastes be excavated from the Missouri River flood plain and be transported to a licensed radioactive waste facility, away from water and away from people; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 346—By Curls.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

SB 347—By Nasheed.

An Act to repeal section 568.040, RSMo, and to enact in lieu thereof one new section relating to the offense of nonsupport.

SB 348—By LeVota.

An Act to amend chapter 376, RSMo, by adding thereto three new sections relating to health insurance premium rate reviews, with an emergency clause.

SB 349—By LeVota.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services.

SENATE BILLS FOR PERFECTION

Senator Keaveny moved that **SB 69**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 69

An Act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to

administrative child support decisions.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 69** be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SB 69** was declared perfected and ordered printed.

Senator Schmitt assumed the Chair.

Senator Munzlinger moved that **SB 89**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 89**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 89

An Act to repeal sections 198.310 and 198.345, RSMo, and to enact in lieu thereof two new sections relating to the establishment and administration of senior housing in nursing home districts.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 89** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 89** was declared perfected and ordered printed.

SB 59 was placed on the Informal Calendar.

Senator Lamping requested unanimous consent of the Senate to withdraw **SB 345**, which requested was granted.

Senator Cunningham moved that **SB 34** be taken up for perfection, which motion prevailed.

Senator Cunningham offered **SS** for **SB 34**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 34

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims.

Senator Cunningham moved that **SS** for **SB 34** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 34, Page 1, Line 16, by inserting the words "The division shall implement the provisions of this section in a manner allowing the division to maintain a record of all claims records received through the division's website, including the identity of the potential employee and of the potential employer. Such record shall be maintained by the division."

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 34, Page 1, Section 287.980, Line 16, by inserting immediately after said line, the following:

"4. Any person who fraudulently accesses the database described in subsection 1 of this section shall be guilty of a class A misdemeanor."

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SS** for **SB 34**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SB 34**, as amended, was declared perfected and ordered printed.

Senator Parson moved that **SB 24** be taken up for perfection, which motion prevailed.

On motion of Senator Parson, **SB 24** was declared perfected and ordered printed.

Senator Brown moved that **SB 75** be taken up for perfection, which motion prevailed.

At the request of Senator Brown, **SB 75** was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 350—By Dempsey.

An Act to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 89** and **SCS** for **SB 69**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Richard, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

SENATE BILLS FOR PERFECTION

Senator Wasson moved that **SB 101**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to florists.
Was taken up.

Senator Wasson moved that **SCS** for **SB 101** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 101** was declared perfected and ordered printed.

Senator Richard announced photographers from KMOV-TV were given permission to take pictures in the Senate Chamber.

Senator Munzlinger moved that **SB 16** be taken up for perfection, which motion prevailed.

On motion of Senator Munzlinger, **SB 16** was declared perfected and ordered printed.

Senator Brown moved that **SB 75** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 75, Page 1, Section 170.315, Line 3, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 7, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 10, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 12, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 13, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 16, by striking “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, Section 171.410, Page 2, Line 1, by striking “shall” and inserting in lieu thereof the following: “**may**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Brown, **SB 75**, as amended, was declared perfected and ordered printed.

Senator Dixon moved that **SB 45**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 45**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 45

An Act to repeal sections 487.020 and 488.426, RSMo, and to enact in lieu thereof two new sections relating to reimbursement for family court commissioners.

Was taken up.

Senator Dixon moved that **SCS** for **SB 45** be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **SB 45** was declared perfected and ordered printed.

At the request of Senator Brown, **SB 29**, with **SCS**, was placed on the Informal Calendar.

Senator Kraus moved that **SB 138** be taken up for perfection, which motion prevailed.

On motion of Senator Kraus, **SB 138** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 101**; **SB 24**; and **SS** for **SB 34**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 23**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 60**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 342, regarding Sophia Greenwalt, Reeds Spring, which was adopted.

Senator Kraus offered Senate Resolution No. 343, regarding Lee's Summit R-VII School District, which was adopted.

Senator Keaveny offered Senate Resolution No. 344, regarding Harriet McGuire, Saint Louis, which was adopted.

Senator Romine offered Senate Resolution No. 345, regarding William Zoughaib, Ste. Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 346, regarding the city of Potosi and Washington County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Melody Boring and Margaret Bangerter, St. Joseph.

Senator Libla introduced to the Senate, Assistant Principal Jane Fike, Bobbi Jo Garrett, Amy Stricklin, Stacy Bradshaw, Ben Counce, Stephen Rooney and students Kiresha Cobb, Kayla McDaniel, Nortyana McIntyre, Katlyn Riggs, Dustin Branham, Maria Ibarra, Taylor Moses, Thomas Abbott, Caroline Hicks, Alvin Johnson, Antwjuan Jones, Gracie Martin, Kiana Carter, David Cook, Benjamin Counce, Ellen Currie, Taqurious Jackson and Eternity Hunt, Caruthersville Middle School; and Kayla, Dustin, Maria and Alvin were made honorary pages.

Senator Schmitt introduced to the Senate, Dr. Erin Gardner, Kirkwood; Dr. Kim Cayce, Columbia; Dr. Frank Koranda, Kansas City; and Dr. Tony Thomas, Gladstone, representatives of Missouri Dermatological Society.

Senator Keaveny introduced to the Senate, Jill Johnson, St. Louis.

Senator Pearce introduced to the Senate, Dawn Black, Southwest Livingston School, Ludlow.

Senator Nieves introduced to the Senate, Steve Pelak, Bonne Terre.

Senator Parson introduced to the Senate, former State Senator Morris Westfall, Halfway; and representatives of Missouri Cattlemen's Association.

Senator Keaveny introduced to the Senate, Ashley Schroeder and Katelyn Sherman.

Senator Emery introduced to the Senate, Hannah Young, Harrisonville.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 251-Kraus and Chappelle-Nadal	SB 284-Sifton, et al
SB 252-Kraus	SB 285-Romine
SB 253-Justus	SB 286-Romine, et al
SB 254-Pearce	SB 287-Rupp
SB 255-Schmitt and Schaefer	SB 288-Lamping
SB 256-Silvey	SB 289-Sifton
SB 257-Silvey	SB 290-Walsh
SB 258-LeVota	SB 291-Rupp
SB 259-Schaaf	SB 292-Rupp
SB 260-Brown	SB 293-Pearce
SB 261-Rupp	SB 294-Schmitt
SB 262-Curls	SB 295-Lager
SB 263-Curls	SB 296-Lager
SB 264-Dempsey	SB 297-Lager
SB 265-Nieves and Cunningham	SB 298-Holsman
SB 266-Nieves	SB 299-Holsman
SB 267-Nieves	SB 300-Holsman
SB 268-Nieves	SB 301-McKenna, et al
SB 269-Nieves	SB 302-Wasson
SB 270-Nieves	SB 303-Wasson
SB 271-Nieves	SB 304-Wasson
SB 272-Nieves	SB 305-Wasson
SB 273-Wallingford	SB 306-Wasson
SB 274-Walsh	SB 307-Schaaf
SB 275-Walsh	SB 308-Schaaf
SB 276-Emery and Nieves	SB 309-Schaaf
SB 277-Holsman	SB 310-Nasheed
SB 278-Kehoe	SB 311-Nasheed
SB 279-Kehoe	SB 312-LeVota
SB 280-Wasson	SB 313-LeVota
SB 281-Wasson	SB 314-Wallingford
SB 282-Wasson	SB 315-Pearce
SB 283-Parson	SB 316-Parson and Justus

SB 317-Romine	SB 336-Walsh
SB 318-Rupp	SB 337-Sater
SB 319-Rupp	SB 338-Romine
SB 320-Schaefer	SB 339-Romine
SB 321-Schaefer	SB 340-Schmitt
SB 322-Dixon	SB 341-Schmitt
SB 323-Dixon	SB 342-Parson, et al
SB 324-Wallingford	SB 343-Parson
SB 325-Nieves	SB 344-Parson
SB 326-McKenna	SB 346 Curls
SB 327-Dixon	SB 347-Nasheed
SB 328-Brown	SB 348-LeVota
SB 329-Brown	SB 349-LeVota
SB 330-Wasson	SB 350-Dempsey
SB 331-Schmitt	SJR 17-Nieves
SB 332-Libla	SJR 18-Schmitt
SB 333-Silvey	SJR 19-Lager
SB 334-Sifton	
SB 335-Sifton	

HOUSE BILLS ON SECOND READING

HCS for HB 87	HCS for HBs 256, 33 & 305
HCS for HJRs 5 & 12	HCS for HBs 48 & 216

THIRD READING OF SENATE BILLS

SCS for SB 89-Munzlinger	SB 24-Parson
SCS for SB 69-Keaveny	SS for SB 34-Cunningham
SCS for SB 101-Wasson	

SENATE BILLS FOR PERFECTION

SB 127-Sater	SBs 176 & 192-Schmitt, et al, with SCS
SB 88-Schaaf, with SCS	SB 100-Keaveny

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp	SB 22-Dixon
SB 21-Dixon	SB 29-Brown, with SCS

SB 41-Munzlinger
SB 48-Lamping
SB 59-Rupp

RESOLUTIONS

Reported from Committee

SCR 2-Richard

To be Referred

SCR 10-Chappelle-Nadal, et al

SCR 11-Chappelle-Nadal, et al

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

Almighty God, as we are able, let us express our concerns and kindness as is most helpful to those we encounter that we might be instruments of service and help. Be with us this day so that we use our time and energy to do what is necessary and needful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 347, regarding Eric Blake Rasmussen, Chillicothe, which

was adopted.

Senator Pearce offered Senate Resolution No. 348, regarding Nedra Twillie, M.D., Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 349, regarding Micheal Williams, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 350, regarding Jamie Levine-Jordan, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 351, regarding Robert E. Bowers, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 352, regarding Willie Ann Williams, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 353, regarding Keith O. Collins, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 354, regarding Janice M. Williams, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 355, regarding Carlos F. Hill, Jr., Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 356, regarding Stevie Hardin, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 357, regarding Wendy Williams, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 358, regarding Ronelle L. Watts, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 359, regarding Chad and Ivory Jamerson, Warrensburg, which was adopted.

Senator Wallingford offered Senate Resolution No. 360, regarding the Missouri Farm Bureau-Cape Girardeau County, which was adopted.

CONCURRENT RESOLUTIONS

Senator Richard moved that **SCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Richard, **SCR 2** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

President Pro Tem Dempsey assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 351—By Lager.

An Act to amend chapter 477, RSMo, by adding thereto one new section relating to judge disqualification.

SB 352—By Lager.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to programs in which individuals are given a thing of value in exchange for surrendering a firearm.

SB 353—By Lager.

An Act to repeal sections 213.010 and 213.111, RSMo, and to enact in lieu thereof three new sections relating to unlawful discriminatory practices.

SB 354—By Schmitt.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to credit card surcharge fees, with penalty provisions.

SB 355—By Munzlinger.

An Act to repeal sections 57.955 and 488.024, RSMo, and to enact in lieu thereof two new sections relating to the sheriffs' retirement fund.

SB 356—By Kehoe.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to products liability.

SB 357—By Romine.

An Act to repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

SB 358—By Holsman.

An Act to repeal sections 195.010, 195.017, and 195.202, RSMo, and to enact in lieu thereof four new sections relating to industrial hemp, with existing penalty provisions.

SB 359—By LeVota.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to year-round educational programs for school districts.

SB 360—By Rupp.

An Act to repeal section 249.645, RSMo, and to enact in lieu thereof one new section relating to sewer charges.

SB 361—By Rupp.

An Act to amend chapter 249, RSMo, by adding thereto one new section relating to wastewater treatment facilities.

SB 362—By Chappelle-Nadal.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

SB 363—By Chappelle-Nadal.

An Act to repeal sections 260.1050, 260.1053, 260.1059, 260.1062, 260.1065, 260.1068, 260.1071, 260.1074, 260.1077, 260.1080, 260.1083, 260.1089, 260.1092, and 260.1101, RSMo, and to enact in lieu thereof twenty-one new sections relating to the residential electronic products recycling and reuse act, with penalty provisions.

SB 364—By Parson.

An Act to repeal sections 381.022 and 381.058, RSMo, and to enact in lieu thereof two new sections relating to title insurance.

SB 365—By Parson, Dempsey, Richard, Justus and Holsman.

An Act to repeal sections 407.400 and 407.413, RSMo, and to enact in lieu thereof two new sections relating to alcohol franchise.

SB 366—By Lamping, Richard and Schaefer.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to rebuilding damaged infrastructure.

SJR 20—By Curls.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of show-me small business districts.

SJR 21—By LeVota.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 29 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of transportation.

THIRD READING OF SENATE BILLS

SCS for **SB 89**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 89**

An Act to repeal sections 198.310 and 198.345, RSMo, and to enact in lieu thereof two new sections

relating to the establishment and administration of senior housing in nursing home districts.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **SCS** for **SB 89** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 69

An Act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to administrative child support decisions.

Was taken up by Senator Keaveny.

On motion of Senator Keaveny, **SCS** for **SB 69** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to florists.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS** for **SB 101** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Emery Kraus—2

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 24, introduced by Senator Parson, entitled:

An Act to repeal sections 64.170 and 64.205, RSMo, and to enact in lieu thereof one new section relating to county building codes.

Was taken up.

On motion of Senator Parson, **SB 24** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Kehoe—1

Absent with leave—Senator Nieves—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SB 34**, introduced by Senator Cunningham, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 34

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims, with a penalty provision.

Was taken up.

On motion of Senator Cunningham, **SS** for **SB 34** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silence for the victims and families of the Kansas City Plaza fire.

SENATE BILLS FOR PERFECTION

At the request of Senator Sater, **SB 127** was placed on the Informal Calendar.

At the request of Senator Schaaf, **SB 88**, with **SCS**, was placed on the Informal Calendar.

Senator Schmitt moved that **SB 176** and **SB 192**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 176** and **192**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 176 and 192

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

Was taken up.

Senator Schmitt moved that **SCS** for **SBs 176** and **192** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 176 and 192, Page 1, In the Title, Line 3, by striking “the new Mississippi River bridge” and inserting in lieu thereof the following: “highway infrastructure”; and further amend line 4 of said title, by inserting immediately after the word “date” the following: “for a certain section”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“227.303. **1.** The portion of Interstate Highway 70 [within] **from the western city limits of** a city not within a county [to the border with the state of Illinois] **and proceeding east to mile marker 248** shall be designated the “Mark Twain Highway”.

2. The portion of Interstate Highway 70 contained within a city not within a county, from mile marker 248 to the Illinois border, shall be designated the “Andy Gammon Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donations.”; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt moved that **SCS** for **SBs 176** and **192**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SBs 176** and **192**, as amended, was declared perfected and

ordered printed.

Senator Keaveny moved that **SB 100** be taken up for perfection, which motion prevailed.

On motion of Senator Keaveny, **SB 100** was declared perfected and ordered printed.

Senator Rupp moved that **SB 59** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 59** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 16**; SCS for **SB 45**; **SB 75**; and **SB 138**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 251—Judiciary and Civil and Criminal Jurisprudence.

SB 252—Transportation and Infrastructure.

SB 253—Judiciary and Civil and Criminal Jurisprudence.

SB 254—Financial and Governmental Organizations and Elections.

SB 255—Financial and Governmental Organizations and Elections.

SB 256—Seniors, Families and Pensions.

SB 257—Jobs, Economic Development and Local Government.

SB 258—Education.

SB 259—Veterans' Affairs and Health.

SB 260—Small Business, Insurance and Industry.

SB 261—Ways and Means.

SB 262—Small Business, Insurance and Industry.

SB 263—Judiciary and Civil and Criminal Jurisprudence.

SB 264—Jobs, Economic Development and Local Government.

SB 265—General Laws.

SB 266—General Laws.

SB 267—General Laws.

SB 268—General Laws.

SB 269—General Laws.

SB 270—General Laws.

SB 271—General Laws.

SB 272—General Laws.

SB 273—Judiciary and Civil and Criminal Jurisprudence.

SB 274—Small Business, Insurance and Industry.

SB 275—Commerce, Consumer Protection, Energy and the Environment.

SB 276—Education.

SB 277—Commerce, Consumer Protection, Energy and the Environment.

SB 278—Small Business, Insurance and Industry.

SB 279—Seniors, Families and Pensions.

SB 280—Transportation and Infrastructure.

SB 281—Small Business, Insurance and Industry.

SB 282—Transportation and Infrastructure.

SB 283—Financial and Governmental Organizations and Elections.

SB 284—Education.

SB 285—Judiciary and Civil and Criminal Jurisprudence.

SB 286—Transportation and Infrastructure.

SB 287—Small Business, Insurance and Industry.

SB 288—Seniors, Families and Pensions.

SB 289—Financial and Governmental Organizations and Elections.

SB 290—Rules, Joint Rules, Resolutions and Ethics.

SB 291—Governmental Accountability and Fiscal Oversight.

SB 292—Small Business, Insurance and Industry.

SB 293—Education.

SB 294—Commerce, Consumer Protection, Energy and the Environment.

SB 295—Jobs, Economic Development and Local Government.

SB 296—Transportation and Infrastructure.

SB 297—Commerce, Consumer Protection, Energy and the Environment.

SB 298—Rules, Joint Rules, Resolutions and Ethics.

SB 299—Commerce, Consumer Protection, Energy and the Environment.

SB 300—Veterans' Affairs and Health.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HB 87**—Jobs, Economic Development and Local Government.

HCS for **HJR**s **5** and **12**—Financial and Governmental Organizations and Elections.

HCS for **HB**s **256**, **33** and **305**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB**s **48** and **216**—Financial and Governmental Organizations and Elections.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 55**, entitled:

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to amnesty for certain taxes, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Dempsey referred **SCR 10** and **SCR 11** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator LeVota introduced to the Senate, Morgan Berg, Fort Osage High School, Buckner.

Senator Romine introduced to the Senate, Sarah Joggerst, Ste. Genevieve High School.

Senator Emery introduced to the Senate, Sierra Arens, Bronaugh.

Senator Lager introduced to the Senate, Avery Whitsell, Maysville.

Senator Lager introduced to the Senate, representatives of Missouri Junior Leagues from around the state.

Senator Walsh introduced to the Senate, Gabrielle Hoyle, Hazelwood East High School, St. Louis.

Senator Libla introduced to the Senate, Amanda Edgar, Portageville High School.

Senator Cunningham introduced to the Senate, Miranda Reed, Licking High School.

Senator Wallingford introduced to the Senate, Heaven Garland, Fredricktown.

Senator Kehoe introduced to the Senate, Chelsea Rimel, Tipton High School.

Senator Kehoe introduced to the Senate, Ciana Lear, her parents, Mike and Lisa and her sisters, Teagan and Gweny, Jefferson City; and Ciana and Tegan were made honorary pages.

Senator Munzlinger introduced to the Senate, Sarah Jo Benedict, Northwestern R-1, Mendon.

Senator Sater introduced to the Senate, Nat Alden, Purdy R-II High School.

Senator Justus introduced to the Senate, Forest Hall, Buchanan High School, Troy,

Senator Pearce introduced to the Senate, Brandon Pemburlin, Richmond; and Shelby Bush, Chillicothe.

Senator Chappelle-Nadal introduced to the Senate, Lamisha Smith, Normandy High School, Lyndel Robinson, Kelly Schneider and students from Normandy Middle School, St. Louis.

Senator Parson introduced to the Senate, Anna Berry, Pleasant Hope High School and her parents, Jim and Tammy.

Senator Lamping introduced to the Senate, Dr. Charles Willey, his wife Anne and Patrick Ishmael, St. Louis; and Michael Cannon, Washington, D.C.

Senator McKenna introduced to the Senate, Dr. Ray Cummisky, President, Jefferson College, Hillsboro.

Senator Romine introduced to the Senate, representatives from St. Louis Community College.

Senator Richard introduced to the Senate, students from Missouri Southern State University, Joplin.

Senator Walsh introduced to the Senate, Dr. Graylin Tobias, Superintendent, Hazelwood School District.

Senator Schaefer introduced to the Senate, Laura Sandstet and Marilyn Andre, Columbia.

On behalf of Senator Dempsey, the President introduced representatives of Vision Leadership, St. Charles.

Senator Rupp introduced to the Senate, the Physician of the Day, Dr. Charles “Rick” Bowen, Dardenne Prairie.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, February 25, 2013.

SENATE CALENDAR

TWENTY-FIFTH DAY—MONDAY, FEBRUARY 25, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 301-McKenna, et al	SB 331-Schmitt
SB 302-Wasson	SB 332-Libla
SB 303-Wasson	SB 333-Silvey
SB 304-Wasson	SB 334-Sifton
SB 305-Wasson	SB 335-Sifton
SB 306-Wasson	SB 336-Walsh
SB 307-Schaaf	SB 337-Sater
SB 308-Schaaf	SB 338-Romine
SB 309-Schaaf	SB 339-Romine
SB 310-Nasheed	SB 340-Schmitt
SB 311-Nasheed	SB 341-Schmitt
SB 312-LeVota	SB 342-Parson, et al
SB 313-LeVota	SB 343-Parson
SB 314-Wallingford	SB 344-Parson
SB 315-Pearce	SB 346 Curls
SB 316-Parson and Justus	SB 347-Nasheed
SB 317-Romine	SB 348-LeVota
SB 318-Rupp	SB 349-LeVota
SB 319-Rupp	SB 350-Dempsey
SB 320-Schaefer	SB 351-Lager
SB 321-Schaefer	SB 352-Lager
SB 322-Dixon	SB 353-Lager
SB 323-Dixon	SB 354-Schmitt
SB 324-Wallingford	SB 355-Munzlinger
SB 325-Nieves	SB 356-Kehoe
SB 326-McKenna	SB 357-Romine
SB 327-Dixon	SB 358-Holsman
SB 328-Brown	SB 359-LeVota
SB 329-Brown	SB 360-Rupp
SB 330-Wasson	SB 361-Rupp

SB 362-Chappelle-Nadal
SB 363-Chappelle-Nadal
SB 364-Parson
SB 365-Parson, et al
SB 366-Lamping, et al

SJR 17-Nieves
SJR 18-Schmitt
SJR 19-Lager
SJR 20-Curls
SJR 21-LeVota

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen

THIRD READING OF SENATE BILLS

SB 16-Munzlinger
SCS for SB 45-Dixon

SB 75-Brown
SB 138-Kraus

SENATE BILLS FOR PERFECTION

SB 13-Schaefer, with SCS

SB 120-Schmitt, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp
SB 21-Dixon
SB 22-Dixon
SB 29-Brown, with SCS

SB 41-Munzlinger
SB 48-Lamping
SB 88-Schaaf, with SCS
SB 127-Sater

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY—MONDAY, FEBRUARY 25, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord of lords...who alone does great wonders, for his steadfast love endures forever.” (Psalm 136:3-4)

Almighty God, Your love pours out like the rain that waters our land. We are grateful for Your abiding with us and giving us the privilege to be part of the wonders of the cosmos in which we live. We are thankful for our safe travel this day and now able to continue the work we are called to do. Help us to use this new week to be open to Your teaching and guidance and be about what is required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Wednesday, February 20, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 361, regarding Mary Ruth Brooks, Marshfield, which was adopted.

Senator Curls offered Senate Resolution No. 362, regarding Suzanne Maureen Tanner, Kansas City, which was adopted.

Senator Sifton offered Senate Resolution No. 363, regarding Cary Max Igleheart, Oakville, which was adopted.

Senator Schmitt offered Senate Resolution No. 364, regarding the future Mr. and Mrs. Ethan Smith, Macon, which was adopted.

Senator Parson offered Senate Resolution No. 365, regarding the Seventy-fifth Anniversary of the Rotary Club, Bolivar, which was adopted.

Senator Lager offered Senate Resolution No. 366, regarding Drew Arbuckle, which was adopted.

Senator Lager offered Senate Resolution No. 367, regarding Colt Nutter, which was adopted.

Senator Lager offered Senate Resolution No. 368, regarding Corbett Evans, which was adopted.

Senator Schaefer offered Senate Resolution No. 369, regarding Dr. James Thompson, Dean of the College of Engineering at the University of Missouri-Columbia, which was adopted.

Senator Silvey offered Senate Resolution No. 370, regarding Jordan Kyle Donner, which was adopted.

Senator Dempsey offered Senate Resolution No. 371, regarding Dillon Stafford Nelson, St. Charles, which was adopted.

Senator Lager offered Senate Resolution No. 372, regarding Richard Griffith Kesler, Kearney, which was adopted.

Senator Pearce offered Senate Resolution No. 373, regarding Heather M. Kopp, Odessa, which was adopted.

Senator Pearce offered Senate Resolution No. 374, regarding Amy Heaven, Lexington, which was adopted.

Senator Pearce offered Senate Resolution No. 375, regarding the A.F. Davis House, Fayette, which was adopted.

Senators Schmitt and Sifton offered Senate Resolution No. 376, regarding Michael Raeber, Fenton, which was adopted.

Senators Schmitt and Sifton offered Senate Resolution No. 377, regarding Richard W. Bayers, Ballwin, which was adopted.

Senators Schmitt and Sifton offered Senate Resolution No. 378, regarding Brian Kohlberg, Fenton, which was adopted.

Senators Schmitt and Sifton offered Senate Resolution No. 379, regarding Bonnie Butterfield, Sunset Hills, which was adopted.

Senators Schmitt and Sifton offered Senate Resolution No. 380, regarding Cindy Sykes, Arnold, which

was adopted.

Senator Munzlinger offered the following resolution:

SENATE RESOLUTION NO. 381

WHEREAS, improving child nutrition is the focal point of the Healthy, Hunger-Free Kids Act of 2010; and

WHEREAS, the Healthy, Hunger-Free Kids Act authorizes funding and sets policy for the U.S. Department of Agriculture's core child nutrition programs; and

WHEREAS, the nutrition programs authorized for funding are the National School Lunch Program, the School Breakfast Program, the Special Supplemental Nutrition Program for Women, Infants and Children, the Summer Food Service Program, and the Child and Adult Care Food Program; and

WHEREAS, the Healthy, Hunger-Free Kids Act allows the U.S. Department of Agriculture, for the first time in over thirty years, the opportunity to make real reforms to school lunch and breakfast programs by improving the critical nutrition and hunger safety net for millions of children; and

WHEREAS, the outcome of the current changes to caloric guidelines and portion sizes is that more students are going hungry, the program cost has risen for both school districts and parents, and menu choice has been taken away at the local level. If high sugar content juices and soft drinks are not appropriate for purchase at schools, then neither should they be appropriate for purchase on the Supplemental Nutritional Assistance Program:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, hereby urge the United States Congress to: reconsider the caloric guidelines and portion sizes that have been written into the rules; and urge the Congress to apply new nutritional purchasing guidelines to the Supplemental Nutritional Assistance Program; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro Tem of the United States Senate, and the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 367—By Walsh.

An Act to amend chapter 285, RSMo, by adding thereto ten new sections relating to domestic violence.

SB 368—By Holsman.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to the use of solar energy systems by property owners located within certain planned communities.

SB 369—By LeVota.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to illegal conduct involving prescription medications, with penalty provisions.

SB 370—By Wasson.

An Act to repeal section 335.066, RSMo, and to enact in lieu thereof one new section relating to the discipline of a nursing license.

SB 371—By Munzlinger.

An Act to repeal section 261.100, RSMo, and to enact in lieu thereof one new section relating to agriculture.

SB 372—By Munzlinger.

An Act to repeal sections 571.030 and 571.111, RSMo, and to enact in lieu thereof two new sections

relating to firearms, with existing penalty provisions.

SB 373—By Munzlinger.

An Act to repeal sections 323.100 and 413.225, RSMo, and to enact in lieu thereof two new sections relating to agricultural weights and measures fees.

SB 374—By Nieves.

An Act to repeal sections 184.116, 184.119, 184.122, 184.384, 407.010, 407.020, and 407.453, and to enact in lieu thereof eight new sections relating to museums, with a penalty provision.

SB 375—By Nieves.

An Act to repeal sections 115.225, 115.237, and 115.493, RSMo, and to enact in lieu thereof four new sections relating to elections.

SB 376—By Sater.

An Act to repeal section 206.110, RSMo, and to enact in lieu thereof one new section relating to the powers of hospital districts.

SB 377—By Dixon.

An Act to repeal section 565.020, RSMo, and to enact in lieu thereof two new sections relating to penalties for first degree murder when the offender was under the age of eighteen at the time the offense was committed, with an emergency clause and penalty provisions.

THIRD READING OF SENATE BILLS

SB 16, introduced by Senator Munzlinger, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to children performing agriculture work.

Was taken up.

On motion of Senator Munzlinger, **SB 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Keaveny—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 45**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 45**

An Act to repeal sections 487.020 and 488.426, RSMo, and to enact in lieu thereof two new sections relating to reimbursement for family court commissioners.

Was taken up by Senator Dixon.

On motion of Senator Dixon, **SCS** for **SB 45** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 75, introduced by Senator Brown, entitled:

An Act to amend chapters 170 and 171, RSMo, by adding thereto two new sections relating to safety in public elementary and secondary schools.

Was taken up.

On motion of Senator Brown, **SB 75** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—32

NAYS—Senators

Justus Walsh—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 138, introduced by Senator Kraus, entitled:

An Act to repeal sections 67.463 and 67.469, RSMo, and to enact in lieu thereof two new sections relating to neighborhood improvement district special assessments.

Was taken up.

On motion of Senator Kraus, **SB 138** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the

following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 60**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 23**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 26**, **SB 11** and **SB 31** begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 176** and **192**; **SB 100**; and **SB 59**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Schaaf moved that **SB 88**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 88**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 88

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 88** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **SB 88** was declared perfected and ordered printed.

Senator Rupp moved that **SB 3** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Lamping offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 3, Page 1, Section 173.1300, Line 13, by inserting immediately after the word “public” the following: “**or accredited private**”; and further amend said line by inserting after the word “school” the words “**or a program of instruction that complies with subsection 2 of section 167.031**”; and further amend line 15, by inserting immediately after the word “public” the following: “**or accredited private**”; and further amend line 15, by inserting after “schools” the words “**or a program of instruction that complies with subsection 2 of section 167.031**”; and

Further amend said bill, page 4, section 173.1303, line 7, by striking “4” and inserting in lieu thereof the following: “6”; and further amend said line by inserting immediately after “section.” the following:

“3.”; and further amend line 8 by inserting immediately after the word “student” the following: “**who has graduated from a public high school in this state**”; and further amend line 21 by inserting after all of said line the following:

“**4. For each eligible student who has graduated from an accredited private high school in this state or a program of instruction that complies with subsection 2 of section 167.031 in this state in accordance with subsection 2 of this section, the amount of moneys appropriated by the general assembly to provide scholarships to such eligible students shall be placed in the fund established in this section.**”; and further line 22 by striking “3.” and inserting in lieu thereof the following: “5.”; and further amend line 23 by inserting immediately after the second use of the word “institution” the following: “**shall determine whether the eligible student graduated from a public high school in this state, an accredited private high school in this state, or a program of instruction that complies with subsection 2 of section 167.031. The public or private institution of higher education**”; and further amend line 26 by inserting immediately after the word “section” the following: “**as appropriate to whether the eligible student has graduated from a public high school in this state, an accredited private high school, or a program of instruction that complies with subsection 2 of section 167.031**”; and further amend line 29 by striking “4.” and inserting in lieu thereof the following: “6.”; and further amend line 31 by striking “. The” and inserting in lieu thereof the following: “:

(1) **For eligible students who have graduated from public high schools in accordance with subsection 2 of this section, the**”; and

Further amend said bill and section, page 5, line 34, by inserting immediately after the word “student” the following: “**who has graduated from a public high school**”; and further amend line 35 by striking the period “.” and inserting in lieu thereof the following: “;

(2) **For eligible students who have graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 in accordance with subsection 2 of this section, the department of higher education shall determine whether the general assembly has appropriated funds for such eligible students and the total amount of funds appropriated. The scholarship amount awarded to an eligible student who has graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 in accordance with subsection 2 of this section shall be determined by dividing the amount of the total appropriation by the number of eligible students who have graduated from an accredited private high school and programs of instruction that comply with subsection 2 of section 167.031 in accordance with subsection 2 of this section.**”; and further amend line 36 by striking “5” and inserting in lieu thereof the following: “7.”; and further amend line 38 by inserting immediately after the word “under” the following: “**subsection 3 of this section and appropriated under subsection 4 of**”; and further amend said line by inserting after “section.” the following: “**The state treasurer shall establish two subaccounts within the fund, one subaccount for funds collected under subsection 3 of this section and one subaccount for funds appropriated under subsection 4 of this section.**”; and further amend line 47, by inserting after all of said line the following:

“**8. The scholarships provided to eligible students who have graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 shall be**

funded out of general revenue, as subject to annual appropriation by the general assembly. No scholarships shall be provided to eligible students who have graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 if the general assembly fails to provide an appropriation for this purpose.”; and

Further amend said bill and page, section 173.1306, line 7, by striking “4.” and inserting in lieu thereof the following: **“6”**; and further amend said line by inserting after “section.” the following:

“3.”; and further amend said line by inserting after the word “student” the following: **“who has graduated from a public high school in this state”**; and further line 22 by inserting after all of said line the following:

“4. For each eligible student who has graduated from an accredited private high school in this state or a program of instruction that complies with subsection 2 of section 167.031 in accordance with subsection 2 of this section, the amount of moneys appropriated by the general assembly to provide scholarships to such eligible students shall be placed in the fund established in this section.”; and

Further amend said bill and section, Page 6, line 23 by striking “3.” and inserting in lieu thereof the following: **“5.”**; and further amend line 24 by inserting after the second use of the word “institution” the following: **“shall determine whether the eligible student graduated from a public high school in this state, an accredited private high school in this state, or a program of instruction that complies with subsection 2 of section 167.031. The public or private institution of higher education”**; and further amend line 27 by inserting immediately after the word “section” the following: **“as appropriate to whether the eligible student has graduated from a public high school, an accredited private high school in this state, or a program of instruction that complies with subsection 2 of section 167.031”**; and further amend line 32 by striking “. The” and inserting in lieu thereof the following: **“:**

(1) For eligible students who have graduated from public high schools in accordance with subsection 2 of this section, the”; and further amend line 35 by inserting after the word “student” the following: **“who has graduated from a public high school”**; and further amend line 36 by striking the period “.” and inserting in lieu thereof the following: **“;**

(2) For eligible students who have graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 in accordance with subsection 2 of this section, the department of higher education shall determine whether the general assembly has appropriated funds for such eligible students and the total amount of funds appropriated. The scholarship amount awarded to an eligible student who has graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 in accordance with subsection 2 of this section shall be determined by dividing the amount of the total appropriation by the number of eligible students who have graduated from an accredited private high school and a program of instruction that complies with subsection 2 of section 167.031 in accordance with subsection 2 of this section.”; and further amend line 37 by striking “5.” and inserting in lieu thereof the following: **“7.”**; and further amend line 39 by inserting after the word “under” the following: **“subsection 3 of this section and appropriated under subsection 4 of”**; and further amend said line by inserting after “section.” the following: **“The state treasurer shall establish two subaccounts within the fund, one subaccount for funds collected under subsection 3 of this section and one subaccount for funds appropriated under subsection 4 of this section.”**; and further amend line 48, by inserting after all of said line the following:

“8. The scholarships provided to eligible students who have graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 shall be funded out of general revenue, as subject to annual appropriation by the general assembly. No scholarships shall be provided to eligible students who have graduated from an accredited private high school or a program of instruction that complies with subsection 2 of section 167.031 if the general assembly fails to provide an appropriation for this purpose.”; and

Further amend said bill and page, Section 173.1309, line 9, by inserting immediately the word “school” the following: **“or the accredited private high school from which the student graduated”**; and

Further amend said bill and section, page 7, line 16, by inserting after the word “public” the following: **“or accredited private”**; and further amend line 38 by inserting after the word “public” the following: **“or accredited private”**.

Senator Lamping moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Pearce assumed the Chair.

Senator Silvey assumed the Chair.

At the request of Senator Rupp, **SB 3**, with **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 88**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Richard, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

SENATE BILLS FOR PERFECTION

Senator Brown moved that **SB 29**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 29**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

Was taken up.

Senator Brown moved that **SCS** for **SB 29** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 29, Page 1, Section 105.504, Line 2, by striking the word “public”; and further amend line 3, by striking the word “public”; and further amend line 4, by striking the word “public” as it appears both times on said line; and further amend line 5, by striking the word “public”; and further amend line 6, by striking the word “public”; and further amend line 7, by striking the word “public”; and

Further amend said bill and section, page 2, line 30, by striking the word “public”; and further amend line 56, by striking the word “public”; and

Further amend said bill and section, page 3, line 59, by striking the word “public”.

Senator Schaaf moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Holsman, Justus, McKenna and Walsh.

SA 1 failed of adoption by the following vote:

YEAS—Senator Schaaf—1

NAYS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine	Rupp
Sater	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

Absent—Senators

Parson Schaefer—2

Absent with leave—Senators—None

Vacancies—None

Senator LeVota offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 29, Page 3, Section 105.504, Line 62, by inserting immediately after “192.800”, the following: “**or Missouri department of transportation road crews and snow removal crews,**”.

Senator LeVota moved that the above amendment be adopted.

At the request of Senator Brown, **SB 29**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

February 20, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Paul LeVota to the Health Facilities Review Committee.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Romine introduced to the Senate, Darrell Dement, Ellington.

Senator Pearce introduced to the Senate, W.N. Gray, Jr., Higginsville.

On motion of Senator Richard, the Senate adjourned until 10:30 a.m., Tuesday, February 26, 2013.

SENATE CALENDAR

TWENTY-SIXTH DAY—TUESDAY, FEBRUARY 26, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 301-McKenna, et al

SB 302-Wasson

SB 303-Wasson

SB 304-Wasson

SB 305-Wasson

SB 306-Wasson

SB 307-Schaaf

SB 308-Schaaf

SB 309-Schaaf

SB 310-Nasheed

SB 311-Nasheed

SB 312-LeVota

SB 313-LeVota

SB 314-Wallingford

SB 315-Pearce

SB 316-Parson and Justus

SB 317-Romine

SB 318-Rupp

SB 319-Rupp

SB 320-Schaefer

SB 321-Schaefer

SB 322-Dixon

SB 323-Dixon

SB 324-Wallingford

SB 325-Nieves

SB 326-McKenna

SB 327-Dixon

SB 328-Brown

SB 329-Brown

SB 330-Wasson

SB 331-Schmitt

SB 332-Libla

SB 333-Silvey

SB 334-Sifton

SB 335-Sifton

SB 336-Walsh

SB 337-Sater	SB 361-Rupp
SB 338-Romine	SB 362-Chappelle-Nadal
SB 339-Romine	SB 363-Chappelle-Nadal
SB 340-Schmitt	SB 364-Parson
SB 341-Schmitt	SB 365-Parson, et al
SB 342-Parson, et al	SB 366-Lamping, et al
SB 343-Parson	SB 367-Walsh
SB 344-Parson	SB 368-Holsman
SB 346 Curls	SB 369-LeVota
SB 347-Nasheed	SB 370-Wasson
SB 348-LeVota	SB 371-Munzlinger
SB 349-LeVota	SB 372-Munzlinger
SB 350-Dempsey	SB 373-Munzlinger
SB 351-Lager	SB 374-Nieves
SB 352-Lager	SB 375-Nieves
SB 353-Lager	SB 376-Sater
SB 354-Schmitt	SB 377-Dixon
SB 355-Munzlinger	SJR 17-Nieves
SB 356-Kehoe	SJR 18-Schmitt
SB 357-Romine	SJR 19-Lager
SB 358-Holsman	SJR 20-Curls
SB 359-LeVota	SJR 21-LeVota
SB 360-Rupp	

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen

THIRD READING OF SENATE BILLS

SCS for SBs 176 & 192-Schmitt, et al	SB 59-Rupp
SB 100-Keaveny	SCS for SB 88-Schaaf

SENATE BILLS FOR PERFECTION

SB 13-Schaefer, with SCS	SB 23-Parson
SB 120-Schmitt, with SCS	SBs 26, 11 & 31-Kraus, with SCS
SB 60-Rupp	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)	SB 21-Dixon
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SB 22-Dixon
SB 29-Brown, with SCS & SA 2 (pending)
SB 41-Munzlinger

SB 48-Lamping
SB 127-Sater

RESOLUTIONS

To be Referred

SR 381-Munzlinger

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY—TUESDAY, FEBRUARY 26, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Senator Dixon offered the following prayer:

Merciful and Everlasting Ruler of the Universe, as we gather today to do the work of the people, we seek Your eternal wisdom. We ask that You illuminate our understanding and elevate our deliberation so that we might heed Your admonition spoken through the prophet Isaiah, “Come now, and let us reason together”, say the Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Richard announced photographers from Jefferson City News Tribune and KOMU-TV were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Sifton offered Senate Resolution No. 382, regarding Officer Brett Steinhoff of the Saint Louis County Police Department, which was adopted.

Senator Sifton offered Senate Resolution No. 383, regarding Officer Dustin Blake of the Saint Louis County Police Department, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 378—By Pearce.

An Act to repeal sections 160.545, 173.250, and 173.1104, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarship programs.

SB 379—By Keaveny, Curls, Sifton, Justus and Holsman.

An Act to repeal section 99.1205, RSMo, and to enact in lieu thereof one new section relating to the distressed areas land assemblage tax credit act.

SB 380—By Kraus.

An Act to repeal section 559.115, RSMo, and to enact in lieu thereof one new section relating to criminal offenders participating in certain programs provided by the department of corrections.

SB 381—By Kraus.

An Act to amend chapter 178, RSMo, by adding thereto one new section relating to the innovation education campus fund.

SB 382—By Kraus.

An Act to repeal sections 143.011, 143.021, and 143.071, RSMo, and to enact in lieu thereof three new sections relating to taxation, with an effective date for certain sections.

SB 383—By Wallingford.

An Act to repeal sections 34.057 and 107.170, RSMo, and to enact in lieu thereof two new sections relating to retainage requirements on construction of public works projects.

SB 384—By Rupp.

An Act to amend chapter 431, RSMo, by adding thereto one new section relating to personal guarantee loans.

SB 385—By Rupp.

An Act to repeal section 130.011 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.011 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.021 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular

session, section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, section 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.044 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, section 130.046 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.046 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, RSMo, and to enact in lieu thereof six new sections relating to campaign finance.

SB 386—By LeVota.

An Act to repeal sections 115.017, 115.021, 115.027, 115.029, 115.353, and 115.607, RSMo, and to enact in lieu thereof six new sections relating to elections.

SB 387—By Nasheed.

An Act to repeal section 135.750, RSMo, and to enact in lieu thereof one new section relating to film production tax credits.

SB 388—By Curls.

An Act to amend chapter 442, RSMo, by adding thereto twenty-three new sections relating to contracts for deeds.

SB 389—By Curls.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to the duties of the board of probation and parole.

SB 390—By Chappelle-Nadal.

An Act to repeal section 163.036, RSMo, and to enact in lieu thereof one new section relating to the calculation of weighted average daily attendance.

SB 391—By Dixon.

An Act to amend chapter 454, RSMo, by adding thereto eight new sections relating to the remedy of civil contempt for failure to comply with child support orders.

SB 392—By Dixon.

An Act to repeal section 173.616, RSMo, and to enact in lieu thereof one new section relating to institutions of higher education.

THIRD READING OF SENATE BILLS

SCS for **SBs 176** and **192**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 176 and 192

An Act to repeal section 227.303, RSMo, and to enact in lieu thereof two new sections relating to the designation of highway infrastructure, with a contingent effective date for a certain section.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **SCS** for **SBs 176** and **192** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 100, introduced by Senator Keaveny, entitled:

An Act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to the exemption from attachment and execution of a person's interest in inherited retirement accounts and health savings plans.

Was taken up.

On motion of Senator Keaveny, **SB 100** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 59, introduced by Senator Rupp, entitled:

An Act to repeal sections 375.772, 375.775, 375.776, and 376.717, RSMo, and to enact in lieu thereof four new sections relating to the regulation of insurance guaranty associations.

Was taken up.

On motion of Senator Rupp, **SB 59** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Emery	Kraus	Lager	Lamping—4
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Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

SCS for SB 88, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 88

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

Was taken up by Senator Schaaf.

On motion of Senator Schaaf, **SCS** for **SB 88** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Schaaf	Schmitt
Sifton	Silvey	Walsh	Wasson—28				

NAYS—Senators

Kraus	Lager	Lamping	Sater	Wallingford—5
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Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 13, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schmitt, **SB 120**, with **SCS**, was placed on the Informal Calendar.

Senator Rupp moved that **SB 60** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 60** was declared perfected and ordered printed.

Senator Parson moved that **SB 23** be taken up for perfection, which motion prevailed.

On motion of Senator Parson, **SB 23** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Dempsey referred **SR 381** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 202**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to University of Missouri extension districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 60** and **SB 23**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 120**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 120**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 120

An Act to repeal sections 135.350, 135.352, 135.484, 143.119, 253.550, 253.557, 253.559, and 447.708, RSMo, and to enact in lieu thereof sixteen new sections relating to tax incentives, with an emergency clause for certain sections.

Was taken up.

Senator Schmitt offered **SS** for **SCS** for **SB 120**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 120

An Act to repeal sections 135.350, 135.352, 135.484, 143.119, 253.550, 253.557, 253.559, and 447.708, RSMo, and to enact in lieu thereof fifteen new sections relating to tax incentives, with an emergency clause for certain sections.

Senator Schmitt moved that **SS** for **SCS** for **SB 120** be adopted.

At the request of Senator Schmitt, **SB 120**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Richard, the Senate recessed until 7:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaaf.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 120**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 120** was again taken up.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 11, Section 135.1550, Line 4, by striking the words “not within a county” and inserting in lieu thereof the following: “located within this state”.

Senator Lager moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 7, Section 135.352, Line 18, by striking the words “one hundred” and inserting in lieu thereof “**fifty**”; and further amend line 21 by striking the word “ten” and inserting in lieu thereof “**five**”; and

Further amend said bill, page 29, section 253.550, lines 2-3, by striking the words “sixty-five” and inserting in lieu thereof “**fifty**”; and

Further amend said bill and section, page 30, line 16, by striking the word “ten” and inserting in lieu thereof “**five**”.

Senator Lager moved that the above amendment be adopted.

Senator Holsman offered **SA 1** to **SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 1, Line 7, by striking the word “fifty” and inserting in lieu thereof the following: “**ninety-five**”.

Senator Holsman moved that the above amendment be adopted, which motion failed.

Senator Kehoe assumed the Chair.

Senator Nasheed offered **SA 2** to **SA 2**:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 1, Line 1, by striking the number “18” and inserting in lieu thereof the following: “11”; and further amend lines 2-4 of said amendment by striking all of said lines and inserting in lieu thereof the following: “by striking the underlined language from said line; and further amend lines 13-23, by striking

all of the underlined language on said lines; and further amend said section by renumbering the remaining subsections accordingly; and”.

Senator Nasheed moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Curls, Justus, LeVota and Keaveny.

SA 2 to SA 2 failed of adoption by the following vote:

YEAS—Senators

Curls	Holsman	Justus	Keaveny	Nasheed	Schaefer	Sifton	Walsh—8
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NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaaf	Schmitt	Silvey	Wallingford	Wasson—24

Absent—Senators

Chappelle-Nadal Rupp—2

Absent with leave—Senators—None

Vacancies—None

Senator Curls offered **SA 3 to SA 2**:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 1, Line 3, by striking the word “fifty” and inserting in lieu thereof the following: “**one hundred ten**”; and further amend line 4 by striking the word “five” and inserting in lieu thereof the following: “**thirty**”.

Senator Curls moved that the above amendment be adopted, which motion failed.

Senator Chappelle-Nadal offered **SA 4 to SA 2**, which was read:

SENATE AMENDMENT NO. 4 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 1, Line 7, by striking the word “fifty” and inserting in lieu thereof the following: “**forty-five**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

SA 2, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 50, Section 447.708, Line 23 of said page, by striking the following: “(1)”; and further amend lines 24-26 of said page, by striking all of said lines and inserting in lieu thereof the following: **“2013, no more than twenty million dollars in tax”**; and

Further amend said bill and section, page 51, lines 1-17 of said page, by striking all of said lines.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 38, Section 253.559, Line 23 of said page, by inserting immediately after all of said line the following:

“348.273. 1. This section and section 348.274 shall be known and may be cited as the “Missouri Angel Investment Incentive Act”.

2. As used in this section and section 348.274, the following terms mean:

(1) “Cash investment”, money or money equivalent contribution;

(2) “Department”, the department of economic development;

(3) “Investor”:

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2013;

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2013; or

(c) A natural person or permitted entity investor making an investment that is permitted under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2013.

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor and such person shall not qualify for the issuance of tax credits for such investment;

(4) “Owner”, any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(5) “Permitted entity investor”, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, general partnership, limited partnership, small corporation described in section 143.471, revocable living trust, or limited liability company that has elected to be taxed as a partnership under the United States internal revenue code, and that was established and is operated for the purpose of making investments in other entities;

(6) “Qualified knowledge-based company”, a company based on the use of ideas and information to provide innovative technologies, products, and services;

(7) “Qualified Missouri business”, the Missouri businesses that are approved and certified as qualified knowledge-based companies by the regional SBTDC that meet at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business’s production in Missouri;

(8) “Qualified securities”, a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the department. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument’s term;

(9) “SBTDC”, the Missouri small business and technology development center; and

(10) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

3. The Missouri angel investment incentive act shall be administered by the regional SBTDCs and the department, with the primary goal of encouraging individuals to provide seed-capital financing for emerging Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. Each regional SBTDC shall establish a regional committee consisting of no fewer than three but no more than five persons for the purpose of reviewing applications from businesses requesting designation as a qualified Missouri business and allocating the amount of available tax credits among the qualified Missouri businesses. The department shall establish its own rules of procedure, including the form and substance of applications to be used by each regional SBTDC and the criteria to be considered by each regional SBTDC when evaluating a qualified Missouri business, such applications and criteria to be not less than the minimum requirements set forth in subsection 5 of this section. The department shall issue tax credits to qualified investors that make cash investments in qualified Missouri businesses that have been allocated available tax credits by a regional SBTDC.

4. (1) A tax credit shall be allowed for an investor’s cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such

investor's cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to the year beginning January 1, 2014. If the amount by which that portion of the credit allowed by this section exceeds the investor's liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The director of the department of revenue shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2024. The total amount of tax credits allocated under this section shall not exceed six million dollars per year. The balance of unissued tax credits may be carried over for issuance in future years until December 31, 2024.

(4) At the beginning of each calendar year, the department shall equally designate the tax credits available during that year to each regional SBTDC. At the beginning of each calendar quarter, the department shall allocate to each regional SBTDC one-fourth of the total tax credits designated to such regional SBTDC for the calendar year such that the regional SBTDC can allocate tax credits among the qualified Missouri businesses. The department shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, each regional SBTDC shall report to the department any unallocated tax credits for the preceding quarter. Such report shall meet the requirements set forth in section 348.274. The department shall aggregate all such tax credits and reallocate them equally among the regional SBTDCs as soon as possible during the next consecutive calendar quarter. Each regional SBTDC shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a regional SBTDC in need of additional tax credits for transactions closing in the fourth calendar quarter may request that another regional SBTDC with unallocated tax credits permit such unallocated tax credits to be allocated by the requesting SBTDC. No regional SBTDC shall be required to grant such request. When a granting SBTDC transfers the allocation of the unallocated tax credits to a requesting SBTDC under this subdivision, the granting SBTDC shall provide to the requesting SBTDC a written confirmation authorizing such transfer, the granting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274, and the requesting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified

Missouri business. The business shall have been approved by a regional SBTDC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to a regional SBTDC in accordance with the provisions of this section.

(2) The application by a business to a regional SBTDC shall be in the form and substance as required by the department, but shall include at least the following:

(a) The name of the business and certified copies of the organizational documents of the business;

(b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;

(c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;

(d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;

(e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and

(f) Such other information as the regional SBTDC or the department may reasonably request.

(3) The designation of a business as a qualified Missouri business shall be made by the regional SBTDC, and such designation shall be renewed annually. A business shall be so designated if the regional SBTDC determines, based upon the application submitted by the business and any additional investigation the regional SBTDC shall make, that such business meets the criteria established by the department. Such criteria shall include at least the following:

(a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;

(b) Businesses that are not bioscience businesses shall have been in operation for less than five years, and bioscience businesses shall have been in operation for less than ten years;

(c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;

(d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock, that can be traded via a public stock exchange before the date that a qualifying investment is made;

(e) The business shall not be engaged primarily in any one or more of the following enterprises:

a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;

b. The provision of professional services, such as legal, accounting, or engineering services;

c. Governmental, charitable, religious, or trade organizations;

d. The ownership, development brokerage, sales, or leasing of real estate;

e. Insurance;

f. Construction or construction management or contracting;

g. Business consulting or brokerage;

h. Any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;

i. Any activity that is in violation of the law;

j. Any business raising money primarily to purchase real estate, land, or fixtures; and

k. Any gambling related business;

(f) The business has a reasonable chance of success;

(g) The business has the reasonable potential to create measurable employment within the region, this state, or both;

(h) The business has an innovative and proprietary technology, product, or service;

(i) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;

(j) The securities to be issued and purchased are qualified securities;

(k) The business has the reasonable potential to address the needs and opportunities specific to the region or this state, or both;

(l) The business has made binding commitments to the regional SBTDC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the regional SBTDC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the regional SBTDC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets; and

(m) The business shall satisfy all other requirements of this section and section 348.274.

(4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the department.

(5) A qualified Missouri business shall have the burden of proof to demonstrate to the regional SBTDC the qualifications of the business under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.274 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

348.274. 1. (1) Each regional SBTDC is authorized to allocate tax credits to qualified Missouri businesses. The department is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the regional SBTDC, are most likely to provide the greatest economic benefit to the region, the state, or both. The regional SBTDC may allocate, and the department may issue, whole or partial tax credits based on the regional SBTDC's assessment of the qualified Missouri businesses. The regional SBTDC may consider numerous factors in such assessment, including but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which a regional SBTDC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the regional SBTDC a report before such tax credits are issued. The regional SBTDC shall provide copies of this report to the department. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as the regional SBTDC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the regional SBTDC that allocated tax credits to the qualified Missouri business and the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The department shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The department shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by each regional SBTDC or the department with respect to this section and section 348.273.

(4) If the department determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department shall send a notice of loss of designation to the business, each regional SBTDC, the director of the department of revenue and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business and shall repay any financial assistance to the regional SBTDC, in an amount to be determined by the regional SBTDC. Each qualified Missouri business that loses its designation as a qualified Missouri business shall enter into a repayment agreement with the regional SBTDC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted to any regional SBTDC or the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the regional SBTDC and the department, as applicable. For the purposes of this section and section 348.273, "trade secrets" means any customer lists, formula, compound, production data, or compilation of information that will allow individuals within a commercial concern using such information the means to fabricate, produce, or compound an article of trade or perform any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) Each regional SBTDC and the department may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee's Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the department.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the applicable regional SBTDC on an annual basis, on or before February first. The regional SBTDC shall provide copies of the reports to the department. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified

securities issued in consideration of such cash investments; and

(c) Any additional information as the regional SBTDC or the department may reasonably require under this section and section 348.273.

(2) Each regional SBTDC shall report quarterly to the department on the allocation of the tax credits in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications the regional SBTDC received;

(b) The number and ratio of successful applications to unsuccessful applications;

(c) The amount of tax credits allocated but not issued in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms;

(d) The amount of unallocated tax credits; and

(e) Such other information as reasonably agreed upon by each regional SBTDC and the department.

(3) The department shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefitted from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in the region that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within the region during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within the region;

(h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;

(i) Information regarding what businesses derived benefit from the tax credits remained in the region, what businesses ceased business, what businesses were purchased, and what businesses may have moved out-of-region or out-of-state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and such business that

loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.

5. Notwithstanding sections 23.250 to 23.298 of the Missouri sunset act, sections 348.273 and 348.274 shall expire on December 31, 2024.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Lager offered **SA 1 to SA 4:**

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 5, Section 348.273, Line 17, by striking the number “2024” and inserting in lieu thereof the following: **“2019”**; and further amend lines 19-21 by striking all of said lines and inserting in lieu thereof the following: **“not exceed six million dollars per year.”**; and

Further amend said amendment, page 17, section 348.274, line 8, by striking the number “2024” and inserting in lieu thereof the following: **“2019”**.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 5, Section 67.2050, Line 6 of said page, by inserting immediately after all of said line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] 2019. In no event shall the aggregate amount of all tax credits allowed pursuant to sections 135.300 to 135.311 exceed three million five hundred thousand dollars in any given fiscal year.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Parson offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 21, Section 144.810, Line 28, by striking the word “shall” and insert in lieu thereof the following: **“may, at the discretion of the department of economic development,”**; and

Further amend said bill and section, page 24, line 18, by striking the word “shall” and insert in lieu thereof the following: **“may, at the discretion of the department of economic development,”**.

Senator Parson moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 10, Section 135.484, Line 20, by inserting after all of said line the following:

“135.750. 1. As used in this section, the following terms mean: (1) “Highly compensated individual”, any individual who receives compensation in excess of one million dollars in connection with a single qualified film production project; (2) “Qualified film production project”, any film, video, commercial, or television production, as approved by the department of economic development and the office of the Missouri film commission, that is under thirty minutes in length with an expected in-state expenditure budget in excess of fifty thousand dollars, or that is over thirty minutes in length with an expected in-state expenditure budget in excess of one hundred thousand dollars. Regardless of the production costs, “qualified film production project” shall not include any:

- (a) News or current events programming;
- (b) Talk show;
- (c) Production produced primarily for industrial, corporate, or institutional purposes, and for internal use;
- (d) Sports event or sports program;
- (e) Gala presentation or awards show;
- (f) Infomercial or any production that directly solicits funds;
- (g) Political ad;
- (h) Production that is considered obscene, as defined in section 573.010; (3) “Qualifying expenses”, the sum of the total amount spent in this state for the following by a production company in connection with a qualified film production project:

(a) Goods and services leased or purchased by the production company. For goods with a purchase price of twenty-five thousand dollars or more, the amount included in qualifying expenses shall be the purchase price less the fair market value of the goods at the time the production is completed;

(b) Compensation and wages paid by the production company on which the production company remitted withholding payments to the department of revenue under chapter 143. For purposes of this section, compensation and wages shall not include any amounts paid to a highly compensated individual; (4) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148; (5) “Taxpayer”, any individual, partnership, or corporation as described in section 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed

under chapter 143.

2. For all taxable years beginning on or after January 1, 1999, but ending on or before December 31, 2007, a taxpayer shall be granted a tax credit for up to fifty percent of the amount of investment in production or production-related activities in any film production project with an expected in-state expenditure budget in excess of three hundred thousand dollars. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit for up to thirty-five percent of the amount of qualifying expenses in a qualified film production project. Each film production company shall be limited to one qualified film production project per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

3. Taxpayers shall apply for the film production tax credit by submitting an application to the department of economic development, on a form provided by the department. As part of the application, the expected in-state expenditures of the qualified film production project shall be documented. In addition, the application shall include an economic impact statement, showing the economic impact from the activities of the film production project. Such economic impact statement shall indicate the impact on the region of the state in which the film production or production-related activities are located and on the state as a whole.

4. For all taxable years ending on or before December 31, 2007, tax credits certified pursuant to subsection 2 of this section shall not exceed one million dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of one million five hundred thousand dollars per year. For all taxable years beginning on or after January 1, 2008, **but ending on or before December 31, 2013**, tax credits certified under subsection 1 of this section shall not exceed a total for all tax credits certified of four million five hundred thousand dollars per year. **For all taxable years beginning on or after January 1, 2014, tax credits certified under subsection 1 of this section shall not exceed a total for all tax credits certified of three million five hundred thousand dollars per calendar year.** Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

5. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 2 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or chapter 148. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

6. Under section 23.253 of the Missouri sunset act:

(1) [The provisions of the new program authorized under this section shall automatically sunset six years after November 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,] The program authorized under this section shall [automatically sunset twelve years after the effective date of the reauthorization of this section] **expire on December 31, 2018, unless reauthorized by the general assembly;** and

[(3)] (2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; **and**

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department of economic development's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion failed.

Senator Lager offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 12, Section 135.1565, Line 26, by striking the number “1.”; and

Further amend said bill and section, page 13, lines 3-11, by striking all of said lines and inserting in lieu thereof the following: **“after July 1, 2013.”**

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 51, Section 447.708, Line 17, by inserting after all of said line the following:

“Section 1. 1. No political subdivision shall be responsible for costs associated with upgrading infrastructure due to an increased use of such infrastructure caused by the program authorized under sections 135.1550 to 135.1575.

2. The department of natural resources shall conduct a comprehensive water study on the impact that the program authorized under sections 135.1550 to 135.1575 has on surrounding storm water drainage.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 13, Section 135.1570, Lines 12-16, by striking all of said lines and inserting in lieu thereof the following: **“135.1570. Tax”**.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 8, Section

135.352, Line 5, by striking the word “or”; and further line 6 by striking all of said line and inserting in lieu thereof the following: “.”; and

Further amend said bill, page 31, section 253.557, lines 22-23 by striking the words “carried back to the preceding year and”.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 32, Section 253.557, Lines 8-9, by striking all of the underlined language on said lines; and further amend lines 12-14 by striking all the underlined language on said lines.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Lamping offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 20, Section 144.810, Lines 4-6, by striking all of said lines from the bill; and further renumber the remaining subdivisions accordingly; and

Further amend said bill and section, page 22, lines 15-24, by striking all of said lines from the bill; and further renumber the remaining subdivisions accordingly.

Senator Lamping moved that the above amendment be adopted, which motion failed.

Senator Schmitt moved that **SS** for **SCS** for **SB 120**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **SB 120**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 384, regarding the Fiftieth Wedding Anniversary of Lou and Faye Graftenreed, Ironton, which was adopted.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

February 26, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Jason R. Lawless of Columbia to the following board:

- Higher Education Savings Program Board, Missouri

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, Stevie Kearse, Aimee Campbell, Carolyn Peplow, Robin Southern and Barry White, representatives of Rolla Chamber of Commerce.

Senator Wallingford introduced to the Senate, Dale and Hellen Steffens and Larry and Patricia Miller, representatives of Missouri Farm Bureau, Jackson.

On motion of Senator Richard, the Senate adjourned until 11:30 a.m., Wednesday, February 27, 2013.

SENATE CALENDAR

TWENTY-SEVENTH DAY—WEDNESDAY, FEBRUARY 27, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 301-McKenna, et al	SB 321-Schaefer
SB 302-Wasson	SB 322-Dixon
SB 303-Wasson	SB 323-Dixon
SB 304-Wasson	SB 324-Wallingford
SB 305-Wasson	SB 325-Nieves
SB 306-Wasson	SB 326-McKenna
SB 307-Schaaf	SB 327-Dixon
SB 308-Schaaf	SB 328-Brown
SB 309-Schaaf	SB 329-Brown
SB 310-Nasheed	SB 330-Wasson
SB 311-Nasheed	SB 331-Schmitt
SB 312-LeVota	SB 332-Libla
SB 313-LeVota	SB 333-Silvey
SB 314-Wallingford	SB 334-Sifton
SB 315-Pearce	SB 335-Sifton
SB 316-Parson and Justus	SB 336-Walsh
SB 317-Romine	SB 337-Sater
SB 318-Rupp	SB 338-Romine
SB 319-Rupp	SB 339-Romine
SB 320-Schaefer	SB 340-Schmitt

SB 341-Schmitt	SB 370-Wasson
SB 342-Parson, et al	SB 371-Munzlinger
SB 343-Parson	SB 372-Munzlinger
SB 344-Parson	SB 373-Munzlinger
SB 346 Curls	SB 374-Nieves
SB 347-Nasheed	SB 375-Nieves
SB 348-LeVota	SB 376-Sater
SB 349-LeVota	SB 377-Dixon
SB 350-Dempsey	SB 378-Pearce
SB 351-Lager	SB 379-Keaveny, et al
SB 352-Lager	SB 380-Kraus
SB 353-Lager	SB 381-Kraus
SB 354-Schmitt	SB 382-Kraus
SB 355-Munzlinger	SB 383-Wallingford
SB 356-Kehoe	SB 384-Rupp
SB 357-Romine	SB 385-Rupp
SB 358-Holsman	SB 386-LeVota
SB 359-LeVota	SB 387-Nasheed
SB 360-Rupp	SB 388-Curls
SB 361-Rupp	SB 389-Curls
SB 362-Chappelle-Nadal	SB 390-Chappelle-Nadal
SB 363-Chappelle-Nadal	SB 391-Dixon
SB 364-Parson	SB 392-Dixon
SB 365-Parson, et al	SJR 17-Nieves
SB 366-Lamping, et al	SJR 18-Schmitt
SB 367-Walsh	SJR 19-Lager
SB 368-Holsman	SJR 20-Curls
SB 369-LeVota	SJR 21-LeVota

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen	HCS for HB 202
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THIRD READING OF SENATE BILLS

SB 60-Rupp	SB 23-Parson
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SENATE BILLS FOR PERFECTION

SBs 26, 11 & 31-Kraus, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon

SB 29-Brown, with SCS & SA 2 (pending)
SB 41-Munzlinger
SB 48-Lamping
SB 127-Sater

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—WEDNESDAY, FEBRUARY 27, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Reverend Carl Gauck offered the following prayer:

“Spread snow like a blanket and spread ice like ashes.” (Psalm 147:16)

Gracious Lord, we enjoy the beauty of the winter wonderland and very grateful for safe travel. We are thankful for those whose efforts make it possible for us to have cleared streets and work early in the day through the night so our roads are passable and emergency vehicles can assist those needing their service. We are grateful for those who serve us so we may be able to work as we are called to serve here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 385, regarding Trenton High School/Adams Park Apartments, Grundy County, which was adopted.

Senator Richard offered Senate Resolution No. 386, regarding Anthony Hendrix, Neosho, which was adopted.

Senator Lager offered Senate Resolution No. 387, regarding Josh Poole, which was adopted.

Senator Brown offered Senate Resolution No. 388, regarding Kayleigh Marie Jones, Cuba, which was adopted.

Senator Kehoe offered Senate Resolution No. 389, regarding Fire Chief Robert F. Rennick, Jefferson City, which was adopted.

Senator Nieves offered Senate Resolution No. 390, regarding Daniel Richard “Dan” Rice, Wildwood, which was adopted.

Senator Nieves offered Senate Resolution No. 391, regarding Donald Paul Stoos, Chesterfield, which was adopted.

Senator Nieves offered Senate Resolution No. 392, regarding Miranda “Andi” Placht, New Haven, which was adopted.

Senator Walsh offered Senate Resolution No. 393, regarding the Sixtieth Birthday of Kim Robert Besserman, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 394, regarding Colleen Hannibal, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 395, regarding Howard A. Nimmons, Florissant, which was adopted.

Senator Schaefer offered Senate Resolution No. 396, regarding Sital Raj Uprety, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 397, regarding Allison Siroky, Rock Island, Illinois, which was adopted.

Senator Schaefer offered Senate Resolution No. 398, regarding Mekka Garcia, Centralia, which was adopted.

Senator Schaefer offered Senate Resolution No. 399, regarding Jordan Bartlebaugh, Waterloo, Illinois, which was adopted.

Senator Schaefer offered Senate Resolution No. 400, regarding Omar Taranissi, Columbia, which was adopted.

Senator Silvey offered Senate Resolution No. 401, regarding Jay Joseph McCune, II, Kansas City, which was adopted.

Senator Sifton offered Senate Resolution No. 402, regarding Lauren Bansbach, Saint Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 403, regarding Kamron MacQuarrie Whipple,

Mountain Grove, which was adopted.

Senator Cunningham offered Senate Resolution No. 404, regarding Amber Carr, West Plains, which was adopted.

Senator Lager offered Senate Resolution No. 405, regarding Kevin J. Thompson and Tyler J. Roberts, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 406, regarding Josh Hartzell, Lathrop, which was adopted.

Senator Lager offered Senate Resolution No. 407, regarding the One Hundredth Birthday of Alice Jones McCartney, Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 408, regarding Nils Edward Haugen, Kearney, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lamping offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, Immigration policy is a federal issue between the U.S. government and other countries; and

WHEREAS, Missouri is best served by a free-market philosophy that maximizes individual freedom and opportunity; and

WHEREAS, Missouri residents acknowledge that legal immigrants play an important economic role as workers and taxpayers and, as such, Missouri's policies affecting legal immigrants must reaffirm our global reputation as a welcoming and business-friendly state; and

WHEREAS, strong families are the foundation of successful communities and individuals and, as such, we oppose policies that unnecessarily separate families and champion policies that support families and improve the health, education, and the well-being of all Missouri children; and

WHEREAS, we respect the rule of law, support law enforcement's professional judgment and discretion, and encourage an enforcement strategy that focuses on public safety and targets serious crime; and

WHEREAS, Missourians must adopt an approach that recognizes the critical role legal immigration has played in our nation's history and celebrate the fact that legal immigrants are a large part of our communities; and

WHEREAS, such approach must reflect our history and culture of inclusion and welcome those legal immigrants who become fully participating members of our society:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Missouri congressional delegation to lead efforts to strengthen federal laws and protect our national borders and further urge state leaders to adopt reasonable policies addressing immigrants in Missouri that improves our immigration system and keeps our communities safe; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation and Governor Jay Nixon.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 393—By Libla and Emery.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof one new section relating to informed consent for abortions.

SB 394—By Silvey.

An Act to amend chapters 67 and 144, RSMo, by adding thereto two new sections relating to tax incentives for data storage centers.

SB 395—By Kraus and LeVota.

An Act to repeal section 115.607, RSMo, and to enact in lieu thereof one new section relating to county political party committees.

SB 396—By Holsman and Chappelle-Nadal.

An Act to repeal sections 386.890, 393.1030, and 393.1050, RSMo, and to enact in lieu thereof two new sections relating to renewable energy.

SB 397—By Holsman and Curls.

An Act to repeal sections 301.020 and 301.3031, RSMo, and to enact in lieu thereof three new sections relating to donations by motor vehicle registration applications to fund the National World War I Memorial at Liberty Memorial, with existing penalty provisions.

SB 398—By Holsman.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax deduction for energy efficiency projects.

SB 399—By Holsman and Curls.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the Missouri Korean War Veterans Memorial.

SB 400—By Holsman.

An Act to repeal sections 393.1025, 393.1030, and 393.1050, RSMo, and to enact in lieu thereof two new sections relating to the renewable energy standard.

SB 401—By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto eight new sections relating to the regulation and licensure of navigators, with penalty provisions.

SB 402—By Rupp.

An Act to repeal sections 375.037, 375.920, 376.405, 382.010, 382.040, 382.050, 382.060, 382.080, 382.095, 382.110, 382.170, 382.180, 382.190, 382.195, 382.220, and 382.230, RSMo, and to enact in lieu thereof twenty new sections relating to the regulation of insurance business, with a penalty provision.

SB 403—By Rupp.

An Act to repeal sections 354.410, 354.430, 354.603, 376.405, 376.426, 376.446, 376.777, and 376.1363, RSMo, and to enact in lieu thereof sixteen new sections relating to health insurance, with penalty provisions.

SB 404—By Munzlinger.

An Act to repeal sections 304.022 and 304.154, RSMo, and to enact in lieu thereof three new sections relating to emergency vehicles, with a penalty provision.

SB 405—By Sater.

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to personal funeral trust accounts.

SB 406—By Wallingford.

An Act to repeal sections 376.1363 and 376.1367, RSMo, and to enact in lieu thereof two new sections relating to health insurance benefit determinations for serious and urgent conditions.

SB 407—By Wallingford.

An Act to repeal section 143.171, RSMo, and to enact in lieu thereof one new section relating to deduction of federal income tax liability.

SB 408—By Emery.

An Act to repeal sections 168.104, 168.110, 168.124, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof nine new sections relating to elementary and secondary education.

SB 409—By Keaveny.

An Act to repeal sections 547.035, 547.037, 565.020, and 565.032, RSMo, and to enact in lieu thereof four new sections relating to first degree murder.

SB 410—By Kehoe.

An Act to repeal sections 173.005, 173.1105, 174.020, 176.010, 178.420, 178.530, 178.560, 178.585, 178.631, 178.632, 178.634, 178.635, 178.636, 178.637, 178.638, 178.639, and 178.640, RSMo, and to enact in lieu thereof seventeen new sections relating to the renaming of Linn State Technical College, with an effective date.

SB 411—By Kehoe.

An Act to repeal sections 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and section 302.700 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480 merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, and to enact in lieu thereof six new sections relating to the operation of commercial motor vehicles.

SB 412—By Kehoe.

An Act to repeal section 311.180, RSMo, and to enact in lieu thereof two new sections relating to beer wholesalers.

SB 413—By Wasson.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to services under the MO HealthNet program.

SB 414—By Dixon.

An Act to repeal sections 217.720, 559.036, 600.011, 600.040, 600.042, and 600.048, RSMo, and to enact in lieu thereof eight new sections relating to the legal defense of indigent persons, with existing penalty provisions.

SB 415—By Dixon.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for early childhood education programs.

SB 416—By Dixon.

An Act to repeal sections 60.530, 60.560, 60.590, 60.620, 194.400, 194.408, 194.409, 236.400, 236.405, 236.410, 236.415, 236.420, 236.425, 236.430, 236.435, 236.440, 236.445, 236.465, 236.470, 236.475, 236.480, 236.495, 236.500, 256.603, 256.605, 256.606, 256.614, 256.623, 256.626, 256.630, 256.637, 256.700, 256.705, 256.710, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 259.010, 259.020, 259.030, 259.040, 259.050, 259.070, 259.080, 259.090, 259.100, 259.110, 259.120, 259.140, 259.150, 259.160, 259.170, 259.180, 259.190, 259.200, 259.210, 260.235, 260.249, 260.335, 260.345, 621.250, 640.010, 640.012, 640.017, and 640.430, RSMo, and to enact in lieu thereof fifty-five new sections relating to the department of natural resources, with existing penalty provisions.

SB 417—By Lager.

An Act to repeal sections 43.543, 260.200, 260.205, 260.262, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 444.772, 643.079, and 644.054, RSMo, and to enact in lieu thereof twelve new sections relating to the department of natural resources, with an emergency clause for a certain section.

SB 418—By Lager.

An Act to amend chapter 389, RSMo, by adding thereto six new sections relating to the crossing of railroad right-of-ways by certain utilities.

SB 419—By Lager.

An Act to authorize the conveyance of certain property owned by the state to the state highways and transportation commission.

SB 420—By Lager.

An Act to repeal sections 386.890 and 393.1030, RSMo, and to enact in lieu thereof two new sections relating to renewable energy.

SB 421—By Walsh.

An Act to repeal sections 167.181 and 174.335, RSMo, and to enact in lieu thereof two new sections relating to the meningococcal conjugate vaccine.

SB 422—By Curls and LeVota.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of highways.

SB 423—By Nasheed.

An Act to repeal section 82.485, RSMo, and to enact in lieu thereof one new section relating to powers of the supervisor of parking meters in certain cities.

SB 424—By Nasheed.

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to reporting requirements for employees of jails, with a penalty provision.

SB 425—By Nasheed.

An Act to amend chapter 443, RSMo, by adding thereto twenty-four new sections relating to real estate foreclosure, with penalty provisions.

SB 426—By Nasheed.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to mathematics and science tutoring centers.

SB 427—By Sifton.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the reporting of data and scores of neglected children and delinquent children.

SB 428—By Sifton.

An Act to repeal sections 213.010, 213.040, 213.045, and 557.035, RSMo, and to enact in lieu thereof five new sections relating to homelessness, with existing penalty provisions.

SB 429—By Chappelle-Nadal.

An Act to repeal section 67.1003, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 430—By Chappelle-Nadal.

An Act to repeal sections 660.411 and 660.414, RSMo, and to enact in lieu thereof three new sections relating to adult day care programs.

SB 431—By Cunningham.

An Act to repeal section 394.120, RSMo, and to enact in lieu thereof one new section relating to electric cooperatives.

SB 432—By Cunningham.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

SB 433—By Lamping, Lager, Schaaf and Kraus.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to campaign contribution limits.

SB 434—By Lamping, Lager, Schaaf and Kraus.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to campaign contribution limits.

SB 435—By McKenna.

An Act to repeal sections 115.305, 115.346, 115.350, and 561.021, RSMo, and to enact in lieu thereof four new sections relating to disqualification from public office.

SJR 22—By Parson, Brown, Kraus, Sater, Libla, Munzlinger, Cunningham, Lamping and Wallingford.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the

Constitution of Missouri, and adopting one new section relating to the right to farm.

Senator Schmitt assumed the Chair.

Senator Richard announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 120**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SCS** for **SB 120** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 158**, entitled:

An Act to repeal sections 99.805, 99.835, 99.845, 99.865, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, and 184.865, RSMo, and to enact in lieu thereof seventeen new sections relating to disaster areas, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Sater moved that **SB 127** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Sater, **SB 127** was declared perfected and ordered printed.

Senator Brown moved that **SB 29**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator LeVota requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Curls, Holsman, Nasheed and Sifton.

At the request of Senator Brown, **SB 29**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Pearce assumed the Chair.

Senator Kraus moved that **SB 26, SB 11 and SB 31**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 26, 11 and 31**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 26, 11 and 31

An Act to repeal sections 143.011, 143.021 and 143.071, RSMo, and to enact in lieu thereof four new sections relating to taxation, with an effective date for certain sections.

Was taken up.

Senator Kraus moved that **SCS** for **SBs 26, 11 and 31** be adopted.

Senator Kraus offered **SS** for **SCS** for **SBs 26, 11 and 31**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 26, 11 and 31

An Act to repeal sections 143.011, 143.021 and 143.071, RSMo, and to enact in lieu thereof four new sections relating to taxation.

Senator Kraus moved that **SS** for **SCS** for **SBs 26, 11 and 31** be adopted.

Senator LeVota offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 12, Section 143.071, Line 5, by inserting immediately after all of said line the following:

“Section 1. Prior to the final passage of any bill that increases expenditures or decreases revenues of the state, the sponsor of such bill shall transmit a statement to the director of the oversight division within the committee of legislative research. Such statement shall detail what existing state programs will be impacted by such bill. Such statement shall be included in the fiscal note prepared by the oversight division for such bill.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion failed.

President Pro Tem Dempsey assumed the Chair.

At the request of Senator Kraus, **SB 26, SB 11 and SB 31**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 127**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Schaaf assumed the Chair.

REFERRALS

President Pro Tem Dempsey referred **SB 127** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Lamping introduced to the Senate, Dr. Charles Willey, St. Louis.

Senator Walsh introduced to the Senate, her daughter and son-in-law, Michaela and Joe Friederich, and her granddaughter, Prudence Jane, Wentzville.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY—THURSDAY, FEBRUARY 28, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 301-McKenna, et al

SB 302-Wasson

SB 303-Wasson

SB 304-Wasson

SB 305-Wasson

SB 306-Wasson

SB 307-Schaaf

SB 308-Schaaf

SB 309-Schaaf

SB 310-Nasheed

SB 311-Nasheed

SB 312-LeVota

SB 313-LeVota

SB 314-Wallingford

SB 315-Pearce

SB 316-Parson and Justus

SB 317-Romine

SB 318-Rupp

SB 319-Rupp

SB 320-Schaefer

SB 321-Schaefer

SB 322-Dixon

SB 323-Dixon

SB 324-Wallingford

SB 325-Nieves

SB 326-McKenna

SB 327-Dixon

SB 328-Brown

SB 329-Brown

SB 330-Wasson

SB 331-Schmitt

SB 332-Libla

SB 333-Silvey

SB 334-Sifton

SB 335-Sifton	SB 376-Sater
SB 336-Walsh	SB 377-Dixon
SB 337-Sater	SB 378-Pearce
SB 338-Romine	SB 379-Keaveny, et al
SB 339-Romine	SB 380-Kraus
SB 340-Schmitt	SB 381-Kraus
SB 341-Schmitt	SB 382-Kraus
SB 342-Parson, et al	SB 383-Wallingford
SB 343-Parson	SB 384-Rupp
SB 344-Parson	SB 385-Rupp
SB 346 Curls	SB 386-LeVota
SB 347-Nasheed	SB 387-Nasheed
SB 348-LeVota	SB 388-Curls
SB 349-LeVota	SB 389-Curls
SB 350-Dempsey	SB 390-Chappelle-Nadal
SB 351-Lager	SB 391-Dixon
SB 352-Lager	SB 392-Dixon
SB 353-Lager	SB 393-Libla and Emery
SB 354-Schmitt	SB 394-Silvey
SB 355-Munzlinger	SB 395-Kraus and LeVota
SB 356-Kehoe	SB 396-Holsman and Chappelle-Nadal
SB 357-Romine	SB 397-Holsman and Curls
SB 358-Holsman	SB 398-Holsman
SB 359-LeVota	SB 399-Holsman and Curls
SB 360-Rupp	SB 400-Holsman
SB 361-Rupp	SB 401-Rupp
SB 362-Chappelle-Nadal	SB 402-Rupp
SB 363-Chappelle-Nadal	SB 403-Rupp
SB 364-Parson	SB 404-Munzlinger
SB 365-Parson, et al	SB 405-Sater
SB 366-Lamping, et al	SB 406-Wallingford
SB 367-Walsh	SB 407-Wallingford
SB 368-Holsman	SB 408-Emery
SB 369-LeVota	SB 409-Keaveny
SB 370-Wasson	SB 410-Kehoe
SB 371-Munzlinger	SB 411-Kehoe
SB 372-Munzlinger	SB 412-Kehoe
SB 373-Munzlinger	SB 413-Wasson
SB 374-Nieves	SB 414-Dixon
SB 375-Nieves	SB 415-Dixon

SB 416-Dixon	SB 429-Chappelle-Nadal
SB 417-Lager	SB 430-Chappelle-Nadal
SB 418-Lager	SB 431-Cunningham
SB 419-Lager	SB 432-Cunningham
SB 420-Lager	SB 433-Lamping, et al
SB 421-Walsh	SB 434-Lamping, et al
SB 422-Curls and LeVota	SB 435-McKenna
SB 423-Nasheed	SJR 17-Nieves
SB 424-Nasheed	SJR 18-Schmitt
SB 425-Nasheed	SJR 19-Lager
SB 426-Nasheed	SJR 20-Curls
SB 427-Sifton	SJR 21-LeVota
SB 428-Sifton	SJR 22-Parson, et al

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen	HCS for HB 158
HCS for HB 202	

THIRD READING OF SENATE BILLS

SB 60-Rupp	SB 127-Sater (In Fiscal Oversight)
SB 23-Parson	
SS for SCS for SB 120-Schmitt (In Fiscal Oversight)	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)	SB 29-Brown, with SCS & SA 2 (pending)
SB 13-Schaefer, with SCS	SB 41-Munzlinger
SB 21-Dixon	SB 48-Lamping
SB 22-Dixon	
SBs 26, 11 & 31-Kraus, with SCS & SS for SCS (pending)	

RESOLUTIONS

To be Referred

SCR 12-Lamping

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—THURSDAY, FEBRUARY 28, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“Yet you do not even know what tomorrow will bring. What is your life? For you are mist that appears for a little while and then vanishes.”
(James 4:14)

Loving God, it is easy to get caught up in the pressures and demands on us, that it is easy to forget what is truly important. Help us to be mindful of our limited time especially in those relationships You have given us that makes life sweet and part of the reason we work so hard. Open our hearts to truly be with our families and bless our limited time together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schmitt offered the following resolution:

SENATE RESOLUTION NO. 409

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2013 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-seventh General Assembly, hereby grant the 2013 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 23, 2013 from 1:00 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 409** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 409** was adopted.

Senator Wasson offered Senate Resolution No. 410, regarding Leon L. Baker, Republic, which was adopted.

Senator Wasson offered Senate Resolution No. 411, regarding Bethany Forrester, Springfield, which was adopted.

Senator Schaefer offered Senate Resolution No. 412, regarding MERS/Missouri Goodwill Industries, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 436—By McKenna.

An Act to repeal section 620.495, RSMo, and to enact in lieu thereof one new section relating to small business incubators.

SB 437—By Pearce.

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

SB 438—By Munzlinger.

An Act to repeal sections 266.291 and 266.331, RSMo, and to enact in lieu thereof two new sections relating to the use of agricultural fees.

SB 439—By Munzlinger.

An Act to repeal section 414.062, RSMo, and to enact in lieu thereof one new section relating to specialty fuels.

SB 440—By Munzlinger.

An Act to amend chapter 434, RSMo, by adding thereto one new section relating to consumer litigation loans.

SB 441—By Dempsey.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to taxes imposed on nongovernmental agencies providing disaster relief services.

SB 442—By Silvey.

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to the assignment of property tax liens.

SB 443—By Silvey.

An Act to amend chapter 96, RSMo, by adding thereto one new section relating to an election for a charter hospital to be governed by Missouri's nonprofit corporation law, with an emergency clause.

SB 444—By Schaaf.

An Act to amend chapters 192, 208, 376, and 630, RSMo, by adding thereto four new sections relating to health care.

SB 445—By Wasson.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to sinkhole insurance coverage for property damage caused by sinkhole activity.

SB 446—By Brown.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to rural regional development grants.

SB 447—By Brown.

An Act to repeal sections 144.032 and 205.205, RSMo, and to enact in lieu thereof four new sections relating to local hospitals.

SB 448—By Schmitt and Keaveny.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to the creation of a special armed offender docket.

SB 449—By Romine.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a deduction for business income.

SB 450—By Justus.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to sexual education.

SB 451—By Justus.

An Act to amend chapter 483, RSMo, by adding thereto one new section relating to the removal of civil court records from automated case management systems.

SB 452—By Justus.

An Act to repeal sections 475.030, 475.045, and 487.080, RSMo, and to enact in lieu thereof three new

sections relating to the appointment of a guardian for a minor.

SB 453—By Cunningham.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to health care billing practices by the department of corrections.

SB 454—By Nieves.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to motor vehicle valuations by a county assessor.

SB 455—By Nieves.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to certification by the American Board for Certification of Teacher Excellence.

SB 456—By Parson.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the expiration of certain changes to the MO HealthNet program.

SB 457—By Parson.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employee salaries.

SB 458—By Kehoe.

An Act to repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to the reduction of state unemployment benefits, with an emergency clause.

SB 459—By Kehoe.

An Act to repeal section 393.155, RSMo, and to enact in lieu thereof one new section relating to electric corporation rate cases.

SB 460—By Kehoe.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

SB 461—By Wallingford.

An Act to repeal section 143.451, RSMo, and to enact in lieu thereof one new section relating to division of interstate income for corporate income taxation.

SB 462—By Schaefer.

An Act to repeal section 488.305, RSMo, and to enact in lieu thereof one new section relating to fees for garnishments.

SB 463—By Schaefer.

An Act to repeal section 64.170, RSMo, and to enact in lieu thereof one new section relating to county ordinances establishing minimum standards for residential occupancy.

SB 464—By Schaefer.

An Act to repeal section 8.420, RSMo, and to enact in lieu thereof one new section relating to revenue bonds for public projects.

SB 465—By Schaefer.

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to amnesty for certain taxes, with an emergency clause.

SB 466—By Schaefer.

An Act to repeal section 407.485, RSMo, and to enact in lieu thereof one new section relating to donated goods receptacles.

SB 467—By Schaefer.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to tobacco.

SB 468—By Schaefer.

An Act to repeal sections 144.032 and 205.205, RSMo, and to enact in lieu thereof four new sections relating to local hospitals.

SB 469—By Chappelle-Nadal.

An Act to amend chapter 571, RSMo, by adding thereto three new sections relating to weapons, with penalty provisions.

SB 470—By Rupp.

An Act to repeal section 130.011 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.011 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.021 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, section 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.044 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, section 130.046 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.046 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, RSMo, and to enact in lieu thereof six new sections relating to campaign finance, with a referendum clause.

SB 471—By Rupp.

An Act to repeal sections 3.010 and 3.090, RSMo, and to enact in lieu thereof two new sections relating to the publishing of Missouri statutes.

SB 472—By Rupp.

An Act to repeal section 288.220, RSMo, and to enact in lieu thereof one new section relating to responsibilities of the division of employment security.

SB 473—By Lamping and Lager.

An Act to repeal section 1.330, RSMo, and to enact in lieu thereof two new sections relating to prohibiting governments from compelling individuals to purchase health insurance and participate in health care systems.

SB 474—By Lamping.

An Act to repeal sections 177.011 and 177.088, RSMo, and to enact in lieu thereof two new sections relating to school facilities and equipment.

SB 475—By Lamping.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the funded ratio of assets for certain state retirement plans.

SB 476—By Lamping.

An Act to amend chapter 169, RSMo, by adding thereto five new sections relating to school retirement.

SB 477—By Lamping.

An Act to amend chapter 104, RSMo, by adding thereto five new sections relating to a defined contribution plan for certain state employees.

SB 478—By Lamping.

An Act to amend chapter 493, RSMo, by adding thereto nine new sections relating to the electronic publication of official legal material.

SB 479—By Dixon.

An Act to repeal section 379.901, RSMo, relating to repealing an obsolete and unnecessary section.

SJR 23—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 10 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the duties of the lieutenant governor.

SJR 24—By Emery.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 120**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SB 60, introduced by Senator Rupp, entitled:

An Act to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

Was taken up.

On motion of Senator Rupp, **SB 60** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Kraus moved that motion lay on the table, which motion prevailed.

Senator Lager assumed the Chair.

SB 23, introduced by Senator Parson, entitled:

An Act to repeal section 67.1010, RSMo, and to enact in lieu thereof one new section relating to the Pettis county transient guest tax.

Was taken up.

On motion of Senator Parson, **SB 23** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
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Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 120**, introduced by Senator Schmitt, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 120

An Act to repeal sections 135.305, 135.350, 135.352, 135.484, 143.119, 253.550, 253.557, 253.559, and 447.708, RSMo, and to enact in lieu thereof nineteen new sections relating to tax incentives, with an emergency clause for certain sections.

Was taken up.

On motion of Senator Schmitt, **SS** for **SCS** for **SB 120** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Kehoe	Kraus	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schmitt	Sifton	Silvey
Wallingford	Walsh	Wasson—27					

NAYS—Senators

Curls	Keaveny	Lager	Lamping	McKenna	Nasheed	Schaefer—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Justus	Kehoe	Kraus
LeVota	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—24

NAYS—Senators

Curls	Emery	Holsman	Keaveny	Lager	Lamping	McKenna	Nasheed
Schaaf	Schaefer—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 41** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

On motion of Senator Munzlinger, **SB 41** was declared perfected and ordered printed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 240**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 102**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 137**, begs leave to report that it has considered the same and recommends that the bill do pass

and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 90**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 218**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 114**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 164**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 193**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, Senator Cunningham submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 129**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 234**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 18**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the

following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 148**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 73**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 208**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 301—Small Business, Insurance and Industry.

SB 302—Financial and Governmental Organizations and Elections.

SB 303—Financial and Governmental Organizations and Elections.

SB 304—Financial and Governmental Organizations and Elections.

SB 305—Financial and Governmental Organizations and Elections.

SB 306—Financial and Governmental Organizations and Elections.

SB 307—Small Business, Insurance and Industry.

SB 308—Small Business, Insurance and Industry.

SB 309—Small Business, Insurance and Industry.

SB 310—Judiciary and Civil and Criminal Jurisprudence.

SB 311—Education.

SB 312—Seniors, Families and Pensions.

SB 313—Judiciary and Civil and Criminal Jurisprudence.

SB 314—Financial and Governmental Organizations and Elections.

SB 315—Ways and Means.

SB 316—Judiciary and Civil and Criminal Jurisprudence.

SB 317—Small Business, Insurance and Industry.

SB 318—Judiciary and Civil and Criminal Jurisprudence.

SB 319—Small Business, Insurance and Industry.

SB 320—Financial and Governmental Organizations and Elections.

SB 321—Financial and Governmental Organizations and Elections.

SB 322—Judiciary and Civil and Criminal Jurisprudence.

SB 323—Jobs, Economic Development and Local Government.

SB 324—Small Business, Insurance and Industry.

SB 325—General Laws.

SB 326—Transportation and Infrastructure.

SB 327—Judiciary and Civil and Criminal Jurisprudence.

SB 328—Commerce, Consumer Protection, Energy and the Environment.

SB 329—Agriculture, Food Production and Outdoor Resources.

SB 330—Financial and Governmental Organizations and Elections.

SB 331—Judiciary and Civil and Criminal Jurisprudence.

SB 332—Education.

SB 333—Jobs, Economic Development and Local Government.

SB 334—Commerce, Consumer Protection, Energy and the Environment.

SB 335—Commerce, Consumer Protection, Energy and the Environment.

SB 336—Judiciary and Civil and Criminal Jurisprudence.

SB 337—General Laws.

SB 338—Judiciary and Civil and Criminal Jurisprudence.

SB 339—Governmental Accountability and Fiscal Oversight.

SB 340—Ways and Means.

SB 341—Education.

SB 342—Agriculture, Food Production and Outdoor Resources.

SB 343—Financial and Governmental Organizations and Elections.

SB 344—Education.

SB 346—Governmental Accountability and Fiscal Oversight.

SB 347—Progress and Development.

SB 348—Small Business, Insurance and Industry.

SB 349—Appropriations.

SB 350—Appropriations.

SB 351—Judiciary and Civil and Criminal Jurisprudence.

SB 352—General Laws.

SB 353—Judiciary and Civil and Criminal Jurisprudence.

SB 354—Financial and Governmental Organizations and Elections.

SB 355—Seniors, Families and Pensions.

- SB 356**—Judiciary and Civil and Criminal Jurisprudence.
- SB 357**—Commerce, Consumer Protection, Energy and the Environment.
- SB 358**—General Laws.
- SB 359**—Education.
- SB 360**—Commerce, Consumer Protection, Energy and the Environment.
- SB 361**—Commerce, Consumer Protection, Energy and the Environment.
- SB 362**—Financial and Governmental Organizations and Elections.
- SB 363**—Commerce, Consumer Protection, Energy and the Environment.
- SB 364**—Small Business, Insurance and Industry.
- SB 365**—Commerce, Consumer Protection, Energy and the Environment.
- SB 366**—Transportation and Infrastructure.
- SB 367**—Seniors, Families and Pensions.
- SB 368**—Commerce, Consumer Protection, Energy and the Environment.
- SB 369**—Judiciary and Civil and Criminal Jurisprudence.
- SB 370**—Financial and Governmental Organizations and Elections.
- SB 371**—Agriculture, Food Production and Outdoor Resources.
- SB 372**—General Laws.
- SB 373**—Agriculture, Food Production and Outdoor Resources.
- SB 374**—General Laws.
- SB 375**—Financial and Governmental Organizations and Elections.
- SB 376**—Veterans’ Affairs and Health.
- SB 377**—Judiciary and Civil and Criminal Jurisprudence.
- SB 378**—Education.
- SB 379**—Jobs, Economic Development and Local Government.
- SB 380**—Judiciary and Civil and Criminal Jurisprudence.
- SB 381**—Education.
- SB 382**—Ways and Means.
- SB 383**—Commerce, Consumer Protection, Energy and the Environment.
- SB 384**—Financial and Governmental Organizations and Elections.
- SB 385**—Rules, Joint Rules, Resolutions and Ethics.
- SB 386**—Financial and Governmental Organizations and Elections.
- SB 387**—Jobs, Economic Development and Local Government.

SB 388—Financial and Governmental Organizations and Elections.

SB 389—Judiciary and Civil and Criminal Jurisprudence.

SB 390—Education.

SB 391—Judiciary and Civil and Criminal Jurisprudence.

SB 392—Education.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 480—By Richard.

An Act to amend chapter 205, RSMo, by adding thereto one new section relating to local health departments.

SB 481—By Rupp.

An Act to repeal sections 313.800, 313.812, 313.817, and 313.830, RSMo, and to enact in lieu thereof four new sections relating to financial transactions of gaming establishments, with a penalty provision.

SB 482—By Nasheed.

An Act to repeal section 478.250, RSMo, and to enact in lieu thereof one new section relating to a special armed offender docket in any circuit court in a city not within a county.

SB 483—By Nasheed.

An Act to repeal sections 160.405, 160.420 and 160.539, RSMo, and to enact in lieu thereof four new sections relating to alternative educational procedures for public schools.

SB 484—By Cunningham.

An Act to repeal sections 301.280, 301.559, 301.560, 301.562, 301.566, and 301.570, RSMo, and to enact in lieu thereof six new sections relating to the regulation of motor vehicle dealers, with existing penalty provisions.

REFERRALS

President Pro Tem Dempsey referred **SCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 388**, entitled:

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school attendance center report cards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 44**, entitled:

An Act to repeal sections 393.1000, 393.1003, and 393.1025, RSMo, and to enact in lieu thereof four new sections relating to regulation of water resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 34**, entitled:

An Act to repeal section 290.210, RSMo, and to enact in lieu thereof two new sections relating to maintenance, and wages for work done on behalf of a school.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 320**, entitled:

An Act to repeal sections 213.010 and 213.111, RSMo, and to enact in lieu thereof three new sections relating to unlawful discriminatory practices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 413, regarding Dee McCormack, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Wyeth, Alden and Reese Perry, Gower; and Wyeth, Alden and Reese were made honorary pages.

Senator Pearce introduced to the Senate, Ron Ott and Fred Utlaut, representatives of Fitzgibbon Hospital, Marshall.

Senator Brown introduced to the Senate, Tiny Miss Missouri Outdoors, Kayleigh Jones, Cuba; and Junior Miss Missouri Outdoors Tourism, Lindsey Hendren, Madison.

Senator Brown introduced to the Senate, second and fifth grade students from the Gifted Program, Waynesville School District.

Senator Schaefer introduced to the Senate, students with the Gifted Program, Columbia School District.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Frank G. Rieger and his wife,

Reggie, Columbia.

Senator Emery introduced to the Senate, Paul and Caleb Couture, Higbee.

Senator Kehoe introduced to the Senate, Superintendent Jerry Hobbs, teachers, Cindy Wieberg and Rachel Ratcliff and fourth grade students from Russellville Elementary School.

Senator Nieves introduced to the Senate, students with the Gifted Program, St. Clair School District.

Senator Nieves introduced to the Senate, Miss Missouri Outdoors, Miranda Placht and her mother, Barbara, New Haven.

Senator Wallingford introduced to the Senate, Virginia Sanders, Denise Brinkmeyer and forty-one eighth grade students from St. Vincent de Paul School, Cape Girardeau.

Senator Brown introduced to the Senate, Kelly Manz, Lee's Summit.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, March 4, 2013.

SENATE CALENDAR

TWENTY-NINTH DAY—MONDAY, MARCH 4, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 393-Libla and Emery	SB 412-Kehoe
SB 394-Silvey	SB 413-Wasson
SB 395-Kraus and LeVota	SB 414-Dixon
SB 396-Holsman and Chappelle-Nadal	SB 415-Dixon
SB 397-Holsman and Curls	SB 416-Dixon
SB 398-Holsman	SB 417-Lager
SB 399-Holsman and Curls	SB 418-Lager
SB 400-Holsman	SB 419-Lager
SB 401-Rupp	SB 420-Lager
SB 402-Rupp	SB 421-Walsh
SB 403-Rupp	SB 422-Curls and LeVota
SB 404-Munzlinger	SB 423-Nasheed
SB 405-Sater	SB 424-Nasheed
SB 406-Wallingford	SB 425-Nasheed
SB 407-Wallingford	SB 426-Nasheed
SB 408-Emery	SB 427-Sifton
SB 409-Keaveny	SB 428-Sifton
SB 410-Kehoe	SB 429-Chappelle-Nadal
SB 411-Kehoe	SB 430-Chappelle-Nadal

SB 431-Cunningham	SB 462-Schaefer
SB 432-Cunningham	SB 463-Schaefer
SB 433-Lamping, et al	SB 464-Schaefer
SB 434-Lamping, et al	SB 465-Schaefer
SB 435-McKenna	SB 466-Schaefer
SB 436-McKenna	SB 467-Schaefer
SB 437-Pearce	SB 468-Schaefer
SB 438-Munzlinger	SB 469-Chappelle-Nadal
SB 439-Munzlinger	SB 470-Rupp
SB 440-Munzlinger	SB 471-Rupp
SB 441-Dempsey	SB 472-Rupp
SB 442-Silvey	SB 473-Lamping and Lager
SB 443-Silvey	SB 474-Lamping
SB 444-Schaaf	SB 475-Lamping
SB 445-Wasson	SB 476-Lamping
SB 446-Brown	SB 477-Lamping
SB 447-Brown	SB 478-Lamping
SB 448-Schmitt and Keaveny	SB 479-Dixon
SB 449-Romine	SB 480-Richard
SB 450-Justus	SB 481-Rupp
SB 451-Justus	SB 482-Nasheed
SB 452-Justus	SB 483-Nasheed
SB 453-Cunningham	SB 484-Cunningham
SB 454-Nieves	SJR 17-Nieves
SB 455-Nieves	SJR 18-Schmitt
SB 456-Parson	SJR 19-Lager
SB 457-Parson	SJR 20-Curls
SB 458-Kehoe	SJR 21-LeVota
SB 459-Kehoe	SJR 22-Parson, et al
SB 460-Kehoe	SJR 23-Cunningham
SB 461-Wallingford	SJR 24-Emery

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen	HB 44-Korman
HCS for HB 202	HB 34-Guernsey
HCS for HB 158	HCS for HB 320
HCS for HB 388	

THIRD READING OF SENATE BILLS

SB 127-Sater (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------|-------------------------------|
| 1. SB 240-Lager, with SCS | 6. SB 129-Sater, with SCS |
| 2. SB 102-Kraus | 7. SB 18-Munzlinger |
| 3. SB 114-Schmitt, with SCS | 8. SB 236-Parson |
| 4. SB 164-Walsh, with SCS | 9. SB 73-Schaefer |
| 5. SB 193-Schaefer | 10. SB 208-Justus and McKenna |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|--|
| SB 3-Rupp, with SA 1 (pending) | SBs 26, 11 & 31-Kraus, with SCS & SS for |
| SB 13-Schaefer, with SCS | SCS (pending) |
| SB 21-Dixon | SB 29-Brown, with SCS & SA 2 (pending) |
| SB 22-Dixon | SB 48-Lamping |

CONSENT CALENDAR

Senate Bills

Reported 2/28

- | | |
|---------------|---------------|
| SB 137-Sater | SB 234-Wasson |
| SB 90-McKenna | SB 148-Wasson |
| SB 218-LeVota | |

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY—MONDAY, MARCH 4, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is not our abilities that show what we truly are. It is our choices.” (J.K. Rowling)

Gracious Lord, we know that our lives are full of choices and when we are here it is what we choose to support or oppose that says so very much about us. Assist us in making the right decisions so our choices are in keeping with what You desire for us to accomplish as we work to help and assist those who depend on us to do that which is needful and helpful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 28, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 414, regarding Whitfield A. Montgomery, which was adopted.

Senator Kraus offered Senate Resolution No. 415, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Homer Butler, which was adopted.

Senator Kraus offered Senate Resolution No. 416, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gail Fasse, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 417, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Merrill Chambers, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 418, regarding Del Wilkinson, Lee's Summit, which was adopted.

Senator Schaefer offered Senate Resolution No. 419, regarding Sara Ashbaugh, which was adopted.

Senator Curls offered Senate Resolution No. 420, regarding Jefferson City Alumnae Chapter of Delta Sigma Theta Sorority, Inc., which was adopted.

Senator Justus offered Senate Resolution No. 421, regarding Ali Walker, which was adopted.

Senator LeVota offered Senate Resolution No. 422, regarding the late Nadine Burnett, which was adopted.

Senator LeVota offered Senate Resolution No. 423, regarding the One Hundredth Birthday of Jack J. Reiser, Jackson County, which was adopted.

Senator Wallingford offered Senate Resolution No. 424, regarding Kristi King, which was adopted.

Senator Wallingford offered Senate Resolution No. 425, regarding former State Representative Mary Kasten, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 426, regarding Phyllis Schwab, Cape Girardeau, which was adopted.

Senators Wallingford and Libla offered Senate Resolution No. 427, regarding Patti Henson, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 428, regarding Eugene "Pete" Frazier, III, which was adopted.

Senator Romine offered Senate Resolution No. 429, regarding Callie Lewis, which was adopted.

Senator Holsman offered Senate Resolution No. 430, regarding Alyssa Moncure, which was adopted.

Senator Munzlinger offered Senate Resolution No. 431, regarding Marie Elaine Brown, Memphis, which was adopted.

Senator Silvey offered Senate Resolution No. 432, regarding Paul Spring, Kansas City, which was adopted.

Senator Parson offered Senate Resolution No. 433, regarding Gage Taylor Kee, Warsaw, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 240**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 240**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 240

An Act to repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations, with an emergency clause for a certain section.

Was taken up.

Senator Lager moved that **SCS** for **SB 240** be adopted.

Senator Pearce assumed the Chair.

Senator Holsman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting at the end of said line the following: **“The provisions of this subsection shall expire on August 28, 2025.”**

Senator Holsman moved that the above amendment be adopted.

At the request of Senator Holsman, **SA 1** was withdrawn.

Senator Holsman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting immediately after said line the following:

“4. No recovery associated with an infrastructure system replacement surcharge for a gas corporation shall exceed five dollars per month for residential customers, fifty dollars per month for commercial customers, or five hundred dollars per month for industrial customers.”

Senator Holsman moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Justus, Keaveny, McKenna and Walsh.

At the request of Senator Holsman, **SA 2** was withdrawn.

Senator Holman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting immediately after said line the following:

“4. No recovery associated with an infrastructure system replacement surcharge for a gas corporation shall exceed five dollars per month for residential customers.”

Senator Holsman moved that the above amendment be adopted.

Senator Lager offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 11, by

striking the word “fifteen” and inserting in lieu thereof the following:

“thirteen”.

Senator Lager moved that the above substitute amendment be adopted.

Senator Holsman raised the point of order that **SSA 1** for **SA 3** is out of order in that it is not a true substitute amendment. The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Holsman offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 240, Page 1, Line 4, by inserting after the word “thirteen” the following:

“and further amend line 13 by inserting after the word “proceeding” the following: “, **provided that no recovery associated with an infrastructure system replacement surcharge for a gas corporation shall exceed four dollars and fifty cents per month for residential customers**””.

Senator Holsman moved that the above amendment be adopted, which motion failed on a standing division vote.

SSA 1 for **SA 3** was again taken up.

Senator Lager moved that the above substitute amendment be adopted, which motion prevailed.

Senator Holsman offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting after all of said line the following:

“4. The provisions of this section shall expire on August 28, 2025.”.

Senator Holsman moved that the above amendment be adopted, which motion failed.

Senator Lager moved that **SCS** for **SB 240**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 240**, as amended, was declared perfected and ordered printed.

Senator Kraus moved that **SB 102** be taken up for perfection, which motion prevailed.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 102, Page 1, In the Title, Line 3, by striking “catalytic converters” and inserting in lieu thereof the following: “scrap metal”; and

Further amend said bill and page, section 407.300, line 8, by inserting after all of said line the following:

“(3) Any metal marked with the initials or other identification of a telephone, cable provider, electric, water, or other public utility;”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Kraus moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 102, Page 1, Section 407.300, Line 7, by inserting after the word “provider,” the following: “**internet service provider**,”.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Kraus, **SA 1** was withdrawn, rendering **SA 1** to **SA 1** moot.

Senator Keaveny offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 102, Page 1, Section 407.300, Line 8, by inserting after all of said line the following:

“(3) **Manhole cover**;”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf assumed the Chair.

Senator Kraus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 102, Page 1, In the Title, Line 3, by striking “catalytic converters” and inserting in lieu thereof the following: “scrap metal”; and

Further amend said bill and page, section 407.300, line 8, by inserting after all of said line the following:

“(3) **Any wire owned by and marked with the initials or other identification of a telecommunications provider, cable provider, internet service provider, electric utility, water utility, sewer utility, or other public utility**;”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kraus, **SB 102**, as amended, was declared perfected and ordered printed.

Senator Schmitt moved that **SB 114**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 114**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114

An Act to repeal sections 311.055 and 311.091, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor, with an emergency clause for a certain section.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 114** be adopted.

Senator Schmitt offered **SS** for **SCS** for **SB 114**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114

An Act to repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to intoxicating liquor, with existing penalty provisions and an emergency clause for a certain section.

Senator Schmitt moved that **SS** for **SCS** for **SB 114** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **SB 114** was declared perfected and ordered printed.

Senator Walsh moved that **SB 164**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 164**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 164

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection.

Was taken up.

Senator Walsh moved that **SCS** for **SB 164** be adopted, which motion prevailed.

On motion of Senator Walsh, **SCS** for **SB 164** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR**s **11** and **7**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to farm.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 8**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 41**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, students from Brittany Woods Middle School, University City.

Senator Lamping introduced to the Senate, Phyllis Schlafly, St. Louis.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTIETH DAY—TUESDAY, MARCH 5, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 393-Libla and Emery

SB 394-Silvey

SB 395-Kraus and LeVota

SB 396-Holsman and Chappelle-Nadal

SB 397-Holsman and Curls

SB 398-Holsman

SB 399-Holsman and Curls

SB 400-Holsman

SB 401-Rupp

SB 402-Rupp

SB 403-Rupp

SB 404-Munzlinger

SB 405-Sater

SB 406-Wallingford

SB 407-Wallingford	SB 447-Brown
SB 408-Emery	SB 448-Schmitt and Keaveny
SB 409-Keaveny	SB 449-Romine
SB 410-Kehoe	SB 450-Justus
SB 411-Kehoe	SB 451-Justus
SB 412-Kehoe	SB 452-Justus
SB 413-Wasson	SB 453-Cunningham
SB 414-Dixon	SB 454-Nieves
SB 415-Dixon	SB 455-Nieves
SB 416-Dixon	SB 456-Parson
SB 417-Lager	SB 457-Parson
SB 418-Lager	SB 458-Kehoe
SB 419-Lager	SB 459-Kehoe
SB 420-Lager	SB 460-Kehoe
SB 421-Walsh	SB 461-Wallingford
SB 422-Curls and LeVota	SB 462-Schaefer
SB 423-Nasheed	SB 463-Schaefer
SB 424-Nasheed	SB 464-Schaefer
SB 425-Nasheed	SB 465-Schaefer
SB 426-Nasheed	SB 466-Schaefer
SB 427-Sifton	SB 467-Schaefer
SB 428-Sifton	SB 468-Schaefer
SB 429-Chappelle-Nadal	SB 469-Chappelle-Nadal
SB 430-Chappelle-Nadal	SB 470-Rupp
SB 431-Cunningham	SB 471-Rupp
SB 432-Cunningham	SB 472-Rupp
SB 433-Lamping, et al	SB 473-Lamping and Lager
SB 434-Lamping, et al	SB 474-Lamping
SB 435-McKenna	SB 475-Lamping
SB 436-McKenna	SB 476-Lamping
SB 437-Pearce	SB 477-Lamping
SB 438-Munzlinger	SB 478-Lamping
SB 439-Munzlinger	SB 479-Dixon
SB 440-Munzlinger	SB 480-Richard
SB 441-Dempsey	SB 481-Rupp
SB 442-Silvey	SB 482-Nasheed
SB 443-Silvey	SB 483-Nasheed
SB 444-Schaaf	SB 484-Cunningham
SB 445-Wasson	SJR 17-Nieves
SB 446-Brown	SJR 18-Schmitt

SJR 19-Lager
SJR 20-Curls
SJR 21-LeVota

SJR 22-Parson, et al
SJR 23-Cunningham
SJR 24-Emery

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen
HCS for HB 202
HCS for HB 158
HCS for HB 388
HB 44-Korman

HB 34-Guernsey
HCS for HB 320
HCS for HB 14
HCS for HJR 11 & 7
HJR 8-Solon, et al

THIRD READING OF SENATE BILLS

SB 127-Sater (In Fiscal Oversight)

SB 41-Munzlinger

SENATE BILLS FOR PERFECTION

SB 193-Schaefer
SB 129-Sater, with SCS
SB 18-Munzlinger

SB 236-Parson
SB 73-Schaefer
SB 208-Justus and McKenna

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon

SBs 26, 11 & 31-Kraus, with SCS & SS for
SCS (pending)
SB 29-Brown, with SCS & SA 2 (pending)
SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 137-Sater
SB 90-McKenna
SB 218-LeVota

SB 234-Wasson
SB 148-Wasson

Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY—TUESDAY, MARCH 5, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“A general rule for the good use of time is to accustom oneself to live in a continual dependence on the Spirit of God.” (Francois Fenelon)

Almighty God, time is moving quickly and we experience that even when we go late into the night we may not get all that we need and want to get accomplished. Help us to depend more on You each day so we may be open to Your will and know what is important and what we need to accomplish. Help us to know You so we might say and do what reflects what You require of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 434, regarding Jamie Taylor, which was adopted.

Senator Kraus offered Senate Resolution No. 435, regarding Charles Wheeler, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 436, regarding Detective Carole "Kat" Covey, which was adopted.

Senator Kraus offered Senate Resolution No. 437, regarding Haley Hynes, which was adopted.

Senator Sater offered Senate Resolution No. 438, regarding the Monett Area YMCA, which was adopted.

Senator Sater offered Senate Resolution No. 439, regarding Mary Kay Scott, Monett, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Schaefer moved that **SB 193** be taken up for perfection, which motion prevailed.

On motion of Senator Schaefer, **SB 193** was declared perfected and ordered printed.

Senator Sater moved that **SB 129**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 129**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129**

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

Was taken up.

Senator Sater moved that **SCS** for **SB 129** be adopted.

Senator Sater offered **SS** for **SCS** for **SB 129**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129**

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

Senator Lager assumed the Chair.

Senator Brown offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, Page 1, Section 191.1100, Line 12 of said page, by inserting immediately after "337," the following: "**veterinarian**,".

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Sater moved that **SS** for **SCS** for **SB 129**, as amended, be adopted, which motion prevailed.

On motion of Senator Sater, **SS** for **SCS** for **SB 129**, as amended, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 18** be taken up for perfection, which motion prevailed.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 18, Page 3, Section 37.850, Line 46, by inserting immediately after said line, the following:

“164.146. When any school district issues bonds under sections 164.121, 164.131, or 164.141, the bond filing shall contain the following information:

- (1) The current amount of debt held by the school district, including any bonded indebtedness;**
- (2) The district’s current tax levy;**
- (3) The district’s current bond credit rating, as prepared by an independent credit rating service;**
and
- (4) The annual cost of maintaining any vacant or unused buildings owned by the district.**

164.151. 1. The questions on bond issues in all districts shall be submitted in substantially the following form:

Shall the board of education borrow money in the amount of dollars for the purpose of and issue bonds for the payment thereof resulting in an estimated increase to the debt service property tax levy of (amount of estimated increase) per one hundred dollars of assessed valuation? If this proposition is approved, the adjusted debt service levy of the school district is estimated to increase from (amount of current school district levy) to (estimated adjusted debt service levy) per one hundred dollars assessed valuation of real and personal property.

2. Any ballot containing a question on a bond issue shall contain, in an area of the ballot following the question, the following information:

- (1) The current amount of debt held by the school district, including any bonded indebtedness;**
- (2) The district’s current tax levy;**
- (3) The district’s current bond credit rating, as prepared by an independent credit rating service;**
and
- (4) The annual cost of maintaining any vacant or unused buildings owned by the district.**

3. If the constitutionally required number of the votes cast are for the loan, the board may, subject to the restrictions of section 164.161, borrow money in the name of the district, to the amount and for the purpose specified in the notices aforesaid, and issue bonds of the district for the payment thereof.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SB 18**, as amended, was declared perfected and ordered printed.

Senator Parson moved that **SB 236** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 236, Page 2, Section 43.265, Line 21, by inserting immediately after “costs.” the following: “**Prior to expending any funds for the purchase of aircraft, the highway patrol shall make a specific request to the general assembly for the particular purchase and shall receive approval from the general assembly for such request.**”.

Senator Lager moved that the above amendment be adopted.

At the request of Senator Lager, **SA 1** was withdrawn.

At the request of Senator Parson, **SB 236** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 73** be taken up for perfection, which motion prevailed.

On motion of Senator Schaefer, **SB 73** was declared perfected and ordered printed.

Senator Justus moved that **SB 208** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 208** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 240; SCS for SB 164; SB 193; SS for SCS for SB 114; and SB 102**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Dempsey assumed the Chair.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 157**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following report:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SJR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute,

hereto attached, do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 199**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 240** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Kehoe, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Kehoe announced photographers from KOMU, KMOX and The Missouri Digital News were given permission to take pictures in the Senate Chamber.

SENATE BILLS FOR PERFECTION

Senator Parson moved that **SB 236** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 236, Page 2, Section 43.265, Line 21, by inserting immediately after “costs.” the following: “**Prior to obligating any funds for the purchase of an individual unit that costs in excess of one hundred thousand dollars, the highway patrol shall receive a specific appropriation from the general assembly for the particular purchase.**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Parson, **SB 236**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 137**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, under federal Medicaid law, states are required to make disproportionate share hospital (DSH) payments to hospitals for providing health care to a vast number of low-income patients in an attempt to make up for financial losses by hospitals that do not receive payment for services rendered to uninsured patients and because Medicaid provider payment rates are far lower than those payments received by private insurance; and

WHEREAS, also under federal Medicaid law, the federal government reimburses states for a portion of the state's Medicaid DSH expenditures based on each state's federal medical assistance percentage and each state receives an annual DSH allotment; and

WHEREAS, Missouri hospitals reported providing \$1.1 billion in uncompensated care to Missourians in 2011; and

WHEREAS, under the Affordable Care Act (ACA) of 2010, states are mandated to expand Medicaid eligibility for persons with incomes up to 133% of the federal poverty level; however, in June 2012, the United States Supreme Court found such mandate impermissible and now allows each state to decide whether to implement such a Medicaid expansion; and

WHEREAS, under the ACA, under the assumption at the time the law passed that all states were to implement the Medicaid expansion, the federal government is required to reduce more than \$22 billion in DSH payments from 2014 to 2022; and

WHEREAS, it is estimated that Missouri will suffer cuts to both Medicaid and Medicare hospital payments in the amount of \$3.3 billion from 2013 to 2020 with DSH cuts in the amount generally of \$704 million from 2013 to 2019; and

WHEREAS, the federal cuts to DSH hospital payments are set to occur regardless of whether a state has elected to implement the Medicaid expansion under the ACA - a decision the United States Supreme Court found each state has a right to pursue; and

WHEREAS, Missouri hospitals have reported that it will be an "unsustainable situation for hospitals" to absorb more than \$1 billion annually in uncompensated care while facing \$3.3 billion in cuts:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the federal government to continue to reimburse states for a portion of the state's Medicaid DSH expenditures based on each state's federal medical assistance percentage for those states that have chosen not to implement the Medicaid expansion; and

BE IT FURTHER RESOLVED that Governor Nixon work with the federal government to ensure that the reduction to such DSH payments do not occur; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the federal Department of Health and Human Services, each member of the Missouri Congressional delegation, and Governor Jay Nixon.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 73; SB 18; SS for SCS for SB 129; and SB 208**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 440, regarding Vivien James Green, which was adopted.

Senator Kraus offered Senate Resolution No. 441, regarding Samuel Holland, Lee's Summit, which was adopted.

Senator Cunningham offered Senate Resolution No. 442, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lavell Mobley, Fairdealing, which was adopted.

Senator Cunningham offered Senate Resolution No. 443, regarding Patrick A. "Pat" Funk, Gainesville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Romine introduced to the Senate, Dr. Victoria Damba, Farmington.

Senator Richard introduced to the Senate, James Sigler, Carl Junction.

Senator Kehoe introduced to the Senate, Dylan Cooper, Tipton High School.

Senator Emery introduced to the Senate, Susan Ray and Mary Clark, Lamar.

Senator Pearce introduced to the Senate, representatives of Missouri STEM week from around the state.

Senator Pearce introduced to the Senate, Dr. Kyle Palmer, Dr. Susan Stockton and Dr. Alice Griefe, University of Central Missouri, Warrensburg.

Senator Dixon introduced to the Senate, Circuit Clerk Steve Helms, Greene County.

Senator Curls introduced to the Senate, representatives of Dismas House; Daystar Worship Center; C.O.P.S.; Sarita Lynne Ministries and Benilde Hall, Kansas City.

Senator Kehoe introduced to the Senate, representatives of Missouri Transportation and Construction Coalition.

Senator McKenna introduced to the Senate, Pat and Don Schaeffer, Festus.

Senator Schaaf introduced to the Senate, Derek Frieling and students, Chris Grimm, David Hester, Sam Pettit, Grayson Bosworth, Kristina Ward and Brooke Ward, members of Dead Patriot's Society, Lafayette High School, St. Joseph.

Senator Brown introduced to the Senate, Rachel Jag, Claire Quinn, Cassandra Horstman, Mason Vrobel, Kathy Withrow and Adam Bryant, Associated Students of the Missouri University of Science and Technology, Rolla.

On behalf of Senators Lamping, Justus, Schaaf, Parson and himself, Senator Kehoe introduced to the Senate, Missouri Federation of Republican Women Joanne Breckenridge Scholars: Aly Alexander, Nita Jones, Katherine Thompson, Jovana Cervantes and Shania Francka.

Senator Romine introduced to the Senate, Becky Ruth, Festus.

Senator Kehoe introduced to the Senate, Mrs. Sandbothe, Mrs. Andrews, parents, grandparents and fourth grade students from St. Stanislaus School, Wardsville.

Senator Nieves introduced to the Senate, Alderman Mark Harder, Ballwin; and Dennis Broadbooks, Wildwood.

Senator Curls introduced to the Senate, Dr. Stacey Daniels and Darron McGee, Kansas City.

Senator Curls introduced to the Senate, Jackson County Prosecutor Jean Peters-Baker.

Senator Pearce introduced to the Senate, Erica Collins, Warrensburg; and Chris Kornbluth, Odessa.

Senator Munzlinger introduced to the Senate, the Physician of the Day, Dr. Steve Taylor, Mexico.

Senator Lager introduced to the Senate, Ashton Raffety, Riley Ziemer, Hannah Young, Cody Uhing, Bekah Badell, Matt Fritsch and Quentin Templeton, Northwest Missouri State University, Maryville.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY—WEDNESDAY, MARCH 6, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 393-Libla and Emery	SB 427-Sifton
SB 394-Silvey	SB 428-Sifton
SB 395-Kraus and LeVota	SB 429-Chappelle-Nadal
SB 396-Holsman and Chappelle-Nadal	SB 430-Chappelle-Nadal
SB 397-Holsman and Curls	SB 431-Cunningham
SB 398-Holsman	SB 432-Cunningham
SB 399-Holsman and Curls	SB 433-Lamping, et al
SB 400-Holsman	SB 434-Lamping, et al
SB 401-Rupp	SB 435-McKenna
SB 402-Rupp	SB 436-McKenna
SB 403-Rupp	SB 437-Pearce
SB 404-Munzlinger	SB 438-Munzlinger
SB 405-Sater	SB 439-Munzlinger
SB 406-Wallingford	SB 440-Munzlinger
SB 407-Wallingford	SB 441-Dempsey
SB 408-Emery	SB 442-Silvey
SB 409-Keaveny	SB 443-Silvey
SB 410-Kehoe	SB 444-Schaaf
SB 411-Kehoe	SB 445-Wasson
SB 412-Kehoe	SB 446-Brown
SB 413-Wasson	SB 447-Brown
SB 414-Dixon	SB 448-Schmitt and Keaveny
SB 415-Dixon	SB 449-Romine
SB 416-Dixon	SB 450-Justus
SB 417-Lager	SB 451-Justus
SB 418-Lager	SB 452-Justus
SB 419-Lager	SB 453-Cunningham
SB 420-Lager	SB 454-Nieves
SB 421-Walsh	SB 455-Nieves
SB 422-Curls and LeVota	SB 456-Parson
SB 423-Nasheed	SB 457-Parson
SB 424-Nasheed	SB 458-Kehoe
SB 425-Nasheed	SB 459-Kehoe
SB 426-Nasheed	SB 460-Kehoe

SB 461-Wallingford	SB 477-Lamping
SB 462-Schaefer	SB 478-Lamping
SB 463-Schaefer	SB 479-Dixon
SB 464-Schaefer	SB 480-Richard
SB 465-Schaefer	SB 481-Rupp
SB 466-Schaefer	SB 482-Nasheed
SB 467-Schaefer	SB 483-Nasheed
SB 468-Schaefer	SB 484-Cunningham
SB 469-Chappelle-Nadal	SJR 17-Nieves
SB 470-Rupp	SJR 18-Schmitt
SB 471-Rupp	SJR 19-Lager
SB 472-Rupp	SJR 20-Curls
SB 473-Lamping and Lager	SJR 21-LeVota
SB 474-Lamping	SJR 22-Parson, et al
SB 475-Lamping	SJR 23-Cunningham
SB 476-Lamping	SJR 24-Emery

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen	HB 34-Guernsey
HCS for HB 202	HCS for HB 320
HCS for HB 158	HCS for HB 14
HCS for HB 388	HCS for HJR 11 & 7
HB 44-Korman	HJR 8-Solon, et al

THIRD READING OF SENATE BILLS

1. SB 127-Sater (In Fiscal Oversight)	6. SS for SCS for SB 114-Schmitt
2. SB 41-Munzlinger	7. SB 102-Kraus
3. SCS for SB 240-Lager (In Fiscal Oversight)	8. SB 73-Schaefer
4. SCS for SB 164-Walsh	9. SB 18-Munzlinger
5. SB 193-Schaefer	10. SS for SCS for SB 129-Sater
	11. SB 208-Justus and McKenna

SENATE BILLS FOR PERFECTION

SB 157-Sater, with SCS	SJR 16-Kehoe and McKenna, with SCS
SB 36-Wallingford and Sifton, with SCS	SB 199-Chappelle-Nadal

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)	SB 13-Schaefer, with SCS
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SB 21-Dixon

SB 22-Dixon

SBs 26, 11 & 31-Kraus, with SCS &
SS for SCS (pending)

SB 29-Brown, with SCS & SA 2 (pending)

SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 90-McKenna

SB 218-LeVota

SB 234-Wasson

SB 148-Wasson

RESOLUTIONS

Reported from Committee

SCR 5-Lamping, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—WEDNESDAY, MARCH 6, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Life is meant to be lived from a Center, a divine Center.” (Thomas Kelly)

We know, O Lord, that silence offers us a deepening of our knowledge of You and ourselves. So we pray that we have the discipline and time to be quiet before You and learn how to be centered in our lives where You are found. Then we will be able to work most effectively and efficiently in being of service to others as we perform what is expected of us this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Schaaf assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Kehoe announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

SENATE BILLS FOR PERFECTION

Senator Sater moved that **SB 157**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 157**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157**

An Act to repeal sections 407.300 and 407.303, RSMo, and to enact in lieu thereof two new sections relating to scrap metal, with penalty provisions.

Was taken up.

Senator Sater moved that **SCS** for **SB 157** be adopted.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 157, Page 2, Section 407.300, Line 47, by inserting after all of said line the following:

“407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or **telecommunications provider, cable provider**, electrical cooperative, **water utility**, municipal utility, or a utility regulated under chapter 386 or 393, including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, **telecommunications provider, cable provider**, electrical cooperative, **water utility, municipal utility**, or a utility **regulated under chapter 386 or 393**, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, **telecommunications provider, cable provider**, electrical cooperative, **water utility, municipal utility**, or a utility **regulated under chapter 386 or 393**, or manufacturer to sell the metal.

2. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Sater moved that **SCS** for **SB 157**, as amended, be adopted, which motion prevailed.

On motion of Senator Sater, **SCS** for **SB 157**, as amended, was declared perfected and ordered printed.

Senator Wallingford moved that **SB 36**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 36**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 36**

An Act to repeal sections 211.071 and 211.073, RSMo, and to enact in lieu thereof three new sections relating to juvenile criminal offenders.

Was taken up.

Senator Wallingford moved that **SCS** for **SB 36** be adopted.

Senator Wallingford offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 211.069, Lines 1-2, by striking the following: “enacted by the ninety-sixth general assembly, second regular session,”.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford moved that **SCS** for **SB 36**, as amended, be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS** for **SB 36**, as amended, was declared perfected and ordered printed.

At the request of Senator Kehoe, **SJR 16**, with **SCS**, was placed on the Informal Calendar.

Senator Chappelle-Nadal moved that **SB 199** be taken up for perfection, which motion prevailed.

On motion of Senator Chappelle-Nadal, **SB 199** was declared perfected and ordered printed.

Senator Brown moved that **SB 29**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator LeVota moved that **SA 2** be adopted, which motion failed by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Sifton
Walsh—9							

NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kraus	Lager	Lamping
Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

Absent—Senator Kehoe—1

Absent with leave—Senator Nasheed—1

Vacancies—None

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 29, Page 1, Section 105.504, Lines 1-4, by striking all of said lines and inserting in lieu thereof “**105.504**”, and renumber subsequent subsections accordingly.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Brown, **SB 29**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 199**; **SCS** for **SB 157**; **SCS** for **SB 36**; and **SB 236**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SB 236** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 444, regarding Scott Turk, Springfield, which was adopted.

Senator Richard offered Senate Resolution No. 445, regarding Steve and Kathy Fairchild, which was adopted.

Senator Richard offered Senate Resolution No. 446, regarding John David, which was adopted.

Senator Kraus offered Senate Resolution No. 447, regarding Oak Grove High School Class 2 State Wrestling Champions, which was adopted.

Senator Sifton offered Senate Resolution No. 448, regarding Berklea Going, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Kraus moved that **SB 26**, **SB 11** and **SB 31**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Kraus, **SS** for **SCS** for **SBs 26, 11** and **31** was withdrawn.

Senator Kraus offered **SS No. 2** for **SCS** for **SBs 26, 11** and **31**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 26, 11 and 31**

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.440, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003,

144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof eighty new sections relating to taxation, with penalty provisions and effective dates for certain sections.

Senator Richard announced photographers from The Missouri Times were given permission to take pictures in the Senate Chamber.

Senator Kehoe assumed the Chair.

Senator Holsman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 316, Section B, Line 3, by inserting after all of said line the following:

“Section C. Notwithstanding the provisions of section B of this act, the provisions of this act shall only become effective upon a total formula appropriation sufficient to fully fund the entitlement calculation determined by section 163.031.”; and

Further amend the title accordingly.

Senator Holsman moved that the above amendment be adopted.

Senator Schmitt raised the point of order that **SA 1** is out of order in that it goes beyond the scope of the underlying subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 246, Section 144.054, Line 17, by striking the opening bracket from said line; and further amend line 18 by inserting immediately after the number “144.761,” the following: “**section 238.235, and the local sales tax law as described in section 32.085,**”; and further amend lines 20-21 by striking the closing bracket and all the underlined language from said lines and inserting in lieu thereof the following: “**section 238.235, and the local sales tax law as described in section 32.085,**”; and further amend line 28 by striking the opening bracket from said line; and

Further amend said bill and section, page 247, line 1 by inserting immediately after the word “sales” the following: “**or use**”; and further amend line 2 by inserting immediately after the number “32.085” the following: “**levied on electricity, piped natural or artificial gas, or other fuels delivered by the seller**”; and further amend lines 4-7 by striking the closing bracket and all the underlined language from said lines; and further amend line 10 by striking the opening bracket; and further amend lines 15-17 by striking the closing bracket and all the underlined language in said lines; and

Further amend said bill and section, page 248, line 6, by striking the opening bracket; and further amend lines 11-13 by striking the closing bracket and all the underlined language in said lines.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Romine offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 234, Section 144.040, Line 19 of said page, by inserting after the word “section” the following: **“or transactions regulated pursuant to sections 407.660 to 407.665”**.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Dixon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 210, Section 144.020, Line 3 of said page, by striking the following: “, or fees paid to,”; and further amend line 4 of said page, by striking the following: “or recreation”.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Silvey assumed the Chair.

Senator Justus offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 130, Section 67.2030, Line 17 of said page, by inserting immediately after said line the following:

“67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) “Facility”, a location composed of real estate, buildings, fixtures, machinery, and equipment;**
- (2) “Municipality”, any county, city, incorporated town, village of the state, or any utilities board thereof;**
- (3) “NAICS”, the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;**
- (4) “Technology business facility”, a facility purchased, constructed, extended, or improved under this section, provided that such business facility is engaged in:**
 - (a) Data processing, hosting, and related services (NAICS 518210);**
 - (b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility; or**
 - (c) The transmission of voice, data, text, sound, and video using wired telecommunication networks (NAICS 517110);**
- (5) “Technology business facility project” or “project”, the purchase, sale, lease, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility’s components of real estate, buildings, fixtures, machinery, and equipment.**

2. The governing body of any municipality may:

- (1) Carry out technology business facility projects for economic development under this section;**
- (2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and**
- (3) Receive gifts and donations from private sources to be used for technology business facility project purposes.**

3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.

4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.

5. Leasehold interests granted and held under this section shall not be subject to property taxes.

6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor's book and verified under section 137.245, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.

8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost.

9. The provisions of this section shall not be construed to allow political subdivisions to provide telecommunications services or telecommunications facilities to the extent that they are prohibited from doing so by section 392.410.

10. This section shall terminate on September 1, 2019. The termination of this section shall not be construed to limit or in any way impair any agreements entered into or exemptions granted before the termination of this section.”; and

Further amend said bill, page 159, section 94.705, line 11 of said page, by inserting immediately after said line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2019. In no event shall the aggregate amount of all tax credits allowed pursuant to sections 135.300 to 135.311 exceed three million five hundred thousand dollars in any given fiscal year.**

135.350. As used in this section, unless the context clearly requires otherwise, the following words and phrases shall mean:

(1) “Commission”, the Missouri housing development commission, or its successor agency;

(2) “Director”, director of the department of revenue;

(3) “Eligibility statement”, a statement authorized and issued by the commission certifying that a given project qualifies for the Missouri low-income housing tax credit. The commission shall promulgate rules establishing criteria upon which the eligibility statements will be issued. The eligibility statement shall specify the amount of the Missouri low-income housing tax credit allowed. The commission shall only authorize the tax credits to qualified projects which begin after June 18, 1991;

(4) **“Federal credit period”, the same meaning as is prescribed the term “credit period” under section 42 of the 1986 Internal Revenue Code, as amended;**

(5) “Federal low-income housing tax credit”, the federal tax credit as provided in section 42 of the 1986 Internal Revenue Code, as amended;

[(5)] (6) “Low-income project”, a housing project which has restricted rents that do not exceed thirty percent of median income for at least forty percent of its units occupied by persons of families having incomes of sixty percent or less of the median income, or at least twenty percent of the units occupied by persons or families having incomes of fifty percent or less of the median income;

[(6)] (7) “Median income”, those incomes which are determined by the federal Department of Housing and Urban Development guidelines and adjusted for family size;

[(7)] (8) “Qualified Missouri project”, a qualified low-income building as that term is defined in section 42 of the 1986 Internal Revenue Code, as amended, which is located in Missouri;

[(8)] (9) “Taxpayer”, person, firm or corporation subject to the state income tax imposed by the provisions of chapter 143 (except withholding imposed by sections 143.191 to 143.265) or a corporation

subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state.

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal [tax] **credit** period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

3. No more than six million dollars in tax credits shall be authorized each fiscal year **ending on or before June 30, 2013**, for projects financed through tax-exempt bond issuance.

4. **For purposes of the limitations provided under this subsection, the aggregate amount of tax credits allowed over a federal credit period shall be attributed to the fiscal year in which such credits are authorized by the commission for a qualified Missouri project. For each fiscal year beginning on or after July 1, 2013, there shall be a fifty million dollar cap on tax credit authorizations for projects which are not financed through tax exempt bond issuance. For each fiscal year beginning on or after July 1, 2013, there shall be a five million dollar cap on tax credit authorizations for projects which are financed through tax exempt bond issuance.**

5. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years or carried forward to any of the taxpayer's five subsequent taxable years. **For projects authorized on or after July 1, 2013, any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried forward to any of the taxpayer's two subsequent taxable years.**

[5.] 6. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

[6.] 7. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

8. **A taxpayer that receives state tax credits under the provisions of sections 253.545 to 253.559 shall be ineligible to receive state tax credits under the provisions of sections 135.350 to 135.363 for the same project, if such project is not financed through tax exempt bond issuance.**

[7.] **9.** The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects in areas described in subdivision (6) of section 135.478 and eight million dollars for projects in areas described in subdivision (10) of section 135.478. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

4. No tax credits provided under sections 135.475 to 135.487 shall be authorized on or after the effective date of this act. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to the effective date of this act, or a taxpayer's ability to redeem such tax credits.

135.1550. 1. Sections 135.1550 to 135.1575, shall be known and may be cited as the "Missouri Export Incentive Act".

2. As used in sections 135.1550 to 135.1575, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Air export tax credit", the tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, to be issued by the department to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

(2) "Airport", an airport which is owned and operated by a city located within this state;

(3) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater of:

(a) Actual weight; or

(b) A dimensional weight, as determined by the conversion factors promulgated by the International Air Transport Association, on a qualifying outbound flight;

(4) "Claiming freight forwarder", the freight forwarder designated as the "agent" on the airway

bill for the qualifying outbound flight for which such air export tax credit is sought;

(5) “Department”, the Missouri department of economic development;

(6) “Direct international aircraft flight”, a single aircraft transoceanic flight that operates to an international destination in accordance with the operators bilateral route authority;

(7) “Freight forwarder”, a person that assumes responsibility in the ordinary course of its business for the transportation of cargo from the place of receipt to the place of destination, including the utilization of a qualifying outbound flight;

(8) “Qualifying outbound flight”, a direct international aircraft flight from the airport to an international destination that carries either all cargo or a mix of passengers and cargo.

135.1555. 1. For all fiscal years beginning on or after July 1, 2013, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to forty cents per chargeable kilo.

2. The department shall index, and the secretary of state shall publish in the Missouri Register, the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1560. 1. To receive benefits provided under section 135.1555, a claiming freight forwarder shall file an application with the department within one hundred twenty calendar days of the date of shipment. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within twenty business days of the filing of the application.

2. No tax credits provided under this section shall be authorized after June 30, 2021. Any tax credits authorized on or before June 30, 2021, but not issued, may be issued until all such authorized tax credits have been issued.

135.1565. The total aggregate amount for air export tax credits authorized under section 135.1555 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1555 shall not exceed seven million five hundred thousand dollars for each fiscal year beginning on or after July 1, 2013.

135.1570. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

135.1575. 1. The department may promulgate rules to implement the provisions of sections 135.1550 to 135.1575. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

(1) The provisions of the new programs authorized under sections 135.1550 to 135.1575 shall automatically sunset eight years after the effective date of this act, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under sections 135.1550 to 135.1575 sunset.”; and

Further amend said bill, page 288, section 144.710, line 4 of said page, by inserting immediately after said line the following:

“144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) “Commencement of commercial operations”, shall be deemed to occur during the first calendar year for which the data storage center is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center;

(2) “Constructing taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(4) “Data storage center” or “facility”, a facility constructed, extended, improved, or operating under this section, provided that such business facility is engaged primarily in:

(a) Data processing, hosting, and related services (NAICS 518210);

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility; or

(c) Customer service, customer contact, or customer support operations through the use of computer databases and telecommunications services at the business facility;

(5) “Existing facility”, a data storage center in this state as it existed prior to August 28, 2013, as determined by the department;

(6) “Expanding facility” or “expanding data storage center”, an existing facility or replacement facility that expands its operations in this state on or after August 28, 2013, and has net new investment related to the expansion of operations in this state of at least five million dollars during a period of up to twelve consecutive months and results in the creation of at least five new jobs during a period of up to twenty-four consecutive months from the date of conditional approval for an exemption under this section, if the average wage of the new jobs equals or exceeds one hundred and fifty percent of the county average wage. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(7) “Expanding facility project” or “expanding data storage center project”, the construction, extension, improvement, equipping, and operation of an expanding facility;

(8) “Investment” shall include the value of real and depreciable personal property, acquired as part of the new or expanding facility project which is used in the operation of the facility following conditional approval of an exemption under this section;

(9) “NAICS”, the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(10) “New facility” or “new data storage center”, a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2013. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2013, if the transfer of title to an operating taxpayer, the transfer of possession under a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2013, or, if the facility is constructed, erected, or installed by or on behalf of an operating taxpayer, such construction, erection, or installation is commenced on or after August 28, 2013;

(b) If such facility was acquired by an operating or constructing taxpayer from another person or persons on or after August 28, 2013, and such facility was employed prior to August 28, 2013, by any other person or persons in the operation of a data storage center the facility shall not be considered a new facility;

(c) Such facility is not an expanding or replacement facility, as defined in this section;

(d) The new facility project investment is at least thirty-seven million dollars during a period of up to thirty-six consecutive months from the date of the conditional approval for an exemption under this section. Where more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer, or a combination of constructing taxpayers and operating taxpayers;

(e) At least thirty new jobs are created at the new facility during a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county average wage; and

(f) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(11) “New data storage center project” or “new facility project”, the construction, extension, improvement, equipping, and operation of a new facility;

(12) “New job” in the case of a new data center project, the total number of full-time employees located at a new data storage center for a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section. In the case of an expanding data storage center project, the total number of full-time employees located at the expanding data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date

of the submission of a project plan under this section or for the twelve-month period prior to the date of the submission of a project plan, the average number of full-time employees located at the expanding data storage center facility. In the event the expanding data storage center facility has not been in operation for a full twelve-month period at the time of the submission of a project plan, the total number of full-time employees located at the expanding data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or the average number of full-time employees for the number of months the expanding data storage center facility has been in operation prior to the date of the submission of the project plan;

(13) “Notice of intent”, a form developed by the department of economic development, completed by the project taxpayer, and submitted to the department, which states the project taxpayer’s intent to construct or expand a data center and request the exemptions under this program;

(14) “Operating taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(15) “Project taxpayers”, each constructing taxpayer and each operating taxpayer for a data storage center project;

(16) “Replacement facility”, a facility in this state otherwise described in subdivision (7) of this subsection, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(17) “Taxpayer”, the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. In addition to the exemptions granted under chapter 144, project taxpayers for a new data storage center project shall be entitled, for a project period not to exceed fifteen years from the date of conditional approval under this section and subject to the requirements of subsection 3 of this section, to an exemption of one hundred percent of the state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit of the state calculated over a ten-year period, on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in a new data storage center;

(2) All machinery, equipment, and computers used in any new data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing any new data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc. dataset or comparable data.

3. (1) Any data storage center project seeking a tax exemption under subsection 2 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and known operating taxpayer for the project and

include any additional information the department of economic development may require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 2 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for a new facility project. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey conditional approvals to the department of revenue and the identified project taxpayers. After a conditionally approved new facility has met the requirements in subsection 1 of this section for a new facility and the execution of the agreement specified in subsection 6 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the new facility to the department of revenue as being eligible for the exemption dating retroactively to the first day of construction on the new facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of construction, shall issue a refund of taxes paid but eligible for exemption under subsection 2 of this section to any applicable taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subsection 2 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) Any project that does not meet the minimum investment or new job requirements of subsection 1 of this section may, at the discretion of the department of economic development, be awarded exemptions under subsection 2 of this section provided such exemption shall not exceed the projected net fiscal benefit to the state over a period of ten years.

(4) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

4. In addition to the exemptions granted under chapter 144, upon approval by the department of economic development, project taxpayers for expanding data center projects may, for a period not to exceed ten years, be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235 on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in an expanding data storage center which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication and internet services used in the existing facility or the replaced facility prior to the expansion. For purposes of this subdivision only, "amount" shall be measured in kilowatt hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in dollars, to account for increases in utility rates;

(2) All machinery, equipment, and computers used in any expanding data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal

benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc. dataset or comparable date.

5. (1) Any data storage center project seeking a tax exemption under subsection 4 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and each known operating taxpayer for the project and include any additional information the department of economic development may reasonably require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 4 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for an expanding facility project and the execution of the agreement specified in subsection 6 of this section. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditional approved facility has met the requirements in subsection 1 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the expansion of the facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the expansion of the facility, shall issue a refund of taxes paid but eligible for exemption under subsection 4 of this section to any applicable project taxpayer and issue a certificate of exemption to any applicable project taxpayer for ongoing exemptions under subsection 4 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) Any project that does not meet the minimum investment or new job requirements of subsection 1 of this section may, at the discretion of the department of economic development, be awarded exemptions under subsection 4 of this section provided such exemption shall not exceed the projected net fiscal benefit to the state over a period of ten years.

(4) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

(2) In order to receive exemptions under subsection 2 or 4 of this section, the project taxpayers shall enter into an agreement with the department of economic development providing for repayment

penalties in the event the data storage center project fails to:

(a) Comply with any of the requirements of this section; or

(b) Satisfy the investment or job creation projected in the notice of intent submitted for the project;

(3) The department of revenue shall credit any amounts remitted by the project taxpayers under this subsection to the fund to which the sales and use taxes exempted would have otherwise been credited.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to ensure that the intent of this section is followed.

8. Notwithstanding any other provision of law to the contrary, no recipient of an exemption pursuant to this section shall be eligible for benefits under any business recruitment tax credit, as defined in section 135.800.

9. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

10. This section shall terminate on September 1, 2019. The termination of this section shall not be construed to limit or in any way impair the exemption for any project approved prior to the termination of this section.”; and

Further amend said bill, page 308, section 238.410, line 23 of said page, by inserting immediately after said line the following:

“253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount

of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending on or before June 30, 2013**, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

3. For all applications for tax credits approved on or after January 1, 2010, **but before the effective date of this act**, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

5. For each fiscal year beginning on or after July 1, 2013, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed forty-five million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

6. For all applications for tax credits approved on or after the effective date of this act, no more than one hundred and twenty-five thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

7. In lieu of the limitations on tax credit authorization provided under the provisions of subsections 5 and 6 of this section, the limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to the effective date of this act; or

(2) Any application for tax credits provided under this section for a project, which on or before the effective date of this act:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed the lesser of fifteen percent of the total project costs or three million dollars; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

8. For each fiscal year beginning on or after July 1, 2013, the department of economic development shall not approve applications for projects to receive less than two hundred seventy-five thousand dollars in tax credits which, in the aggregate, exceed five million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations on tax credit authorization provided under the provisions of this subsection, shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to the effective date of this act; or

(2) Any application for tax credits provided under this section for a project, which on or before the effective date of this act:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed five percent of the total project costs; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. **For all tax credits authorized under the provisions of sections 253.545 to 253.559 on or after the effective date of this act, if the total amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding two years, or until the full credit is used, whichever occurs first.** Not-for-profit entities, including but not limited to corporations organized as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the tax credits authorized under sections 253.545 [through 253.561] **to 253.559. Any taxpayer that receives state tax credits under the provisions of sections 135.350 to 135.363 for a project that is**

not financed through tax exempt bonds issuance shall be ineligible for the state tax credits authorized under sections 253.545 to 253.559 for the same project. Taxpayers eligible for such tax credits may transfer, sell or assign the credits. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among [the] **such** partners, members or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection 8 of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district; and

(5) Any other information which the department of economic development may reasonably require to review the project for approval. Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review

process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits.

4. Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy. **Upon any such change in ownership, the taxpayer contained in such application shall notify the department of such change.**

5. In the event that the department of economic development grants approval for tax credits equal to the **applicable** total amount available under subsection 2, **5, or 8** of section 253.550, or sufficient that when totaled with all other approvals, the **applicable** amount available under subsection 2, **5, or 8** of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

6. All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within two years of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the **applicable** total amount of tax credits, provided under subsection 2, **5, or 8** of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development which,

in consultation with the department of natural resources, shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

8. Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection 3 of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

9. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

10. By no later than January 1, 2014, the department of economic development shall propose rules to implement the provisions of sections 253.550 to 253.559. Prior to proposing such rules, the department shall conduct a stakeholder process designed to solicit input from interested parties. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated herein shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

348.273. 1. This section and section 348.274 shall be known and may be cited as the "Missouri Angel Investment Incentive Act".

2. As used in this section and section 348.274, the following terms mean:

- (1) "Cash investment", money or money equivalent contribution;**
- (2) "Department", the department of economic development;**
- (3) "Investor":**

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2013;

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8),

as in effect on August 28, 2013; or

(c) A natural person or permitted entity investor making an investment that is permitted under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2013.

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor and such person shall not qualify for the issuance of tax credits for such investment;

(4) “Owner”, any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(5) “Permitted entity investor”, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, general partnership, limited partnership, small corporation described in section 143.471, revocable living trust, or limited liability company that has elected to be taxed as a partnership under the United States internal revenue code, and that was established and is operated for the purpose of making investments in other entities;

(6) “Qualified knowledge-based company”, a company based on the use of ideas and information to provide innovative technologies, products, and services;

(7) “Qualified Missouri business”, the Missouri businesses that are approved and certified as qualified knowledge-based companies by the regional SBTDC that meet at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business’s production in Missouri;

(8) “Qualified securities”, a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the department. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument’s term;

(9) “SBTDC”, the Missouri small business and technology development center; and

(10) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

3. The Missouri angel investment incentive act shall be administered by the regional SBTDCs and the department, with the primary goal of encouraging individuals to provide seed-capital financing for emerging Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. Each regional SBTDC shall establish a regional committee consisting of no fewer than three but no more than five persons for the purpose of reviewing applications from businesses requesting designation as a qualified Missouri business and allocating the amount of available tax credits among the qualified Missouri businesses. The department shall establish its own rules of procedure, including the form and substance of applications to be used by each regional SBTDC and the criteria to be considered by each regional SBTDC when evaluating a qualified Missouri business, such applications and criteria to be not less than the minimum requirements set forth in subsection 5 of this section. The department shall issue tax credits to qualified investors that make cash investments in qualified Missouri businesses that have been allocated available tax credits by a regional SBTDC.

4. (1) A tax credit shall be allowed for an investor’s cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such investor’s cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to the year beginning January 1, 2014. If the amount by which that portion of the credit allowed by this section exceeds the investor’s liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The director of the department of revenue shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2019. The total amount of tax credits allocated under this section shall not exceed six million dollars per year.

(4) At the beginning of each calendar year, the department shall equally designate the tax credits available during that year to each regional SBTDC. At the beginning of each calendar quarter, the department shall allocate to each regional SBTDC one-fourth of the total tax credits designated to such regional SBTDC for the calendar year such that the regional SBTDC can allocate tax credits among the qualified Missouri businesses. The department shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, each regional SBTDC shall report to the department any

unallocated tax credits for the preceding quarter. Such report shall meet the requirements set forth in section 348.274. The department shall aggregate all such tax credits and reallocate them equally among the regional SBTDCs as soon as possible during the next consecutive calendar quarter. Each regional SBTDC shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a regional SBTDC in need of additional tax credits for transactions closing in the fourth calendar quarter may request that another regional SBTDC with unallocated tax credits permit such unallocated tax credits to be allocated by the requesting SBTDC. No regional SBTDC shall be required to grant such request. When a granting SBTDC transfers the allocation of the unallocated tax credits to a requesting SBTDC under this subdivision, the granting SBTDC shall provide to the requesting SBTDC a written confirmation authorizing such transfer, the granting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274, and the requesting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved by a regional SBTDC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to a regional SBTDC in accordance with the provisions of this section.

(2) The application by a business to a regional SBTDC shall be in the form and substance as required by the department, but shall include at least the following:

(a) The name of the business and certified copies of the organizational documents of the business;

(b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;

(c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;

(d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;

(e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and

(f) Such other information as the regional SBTDC or the department may reasonably request.

(3) The designation of a business as a qualified Missouri business shall be made by the regional SBTDC, and such designation shall be renewed annually. A business shall be so designated if the regional SBTDC determines, based upon the application submitted by the business and any additional investigation the regional SBTDC shall make, that such business meets the criteria established by the department. Such criteria shall include at least the following:

(a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;

(b) Businesses that are not bioscience businesses shall have been in operation for less than five

years, and bioscience businesses shall have been in operation for less than ten years;

(c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;

(d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock, that can be traded via a public stock exchange before the date that a qualifying investment is made;

(e) The business shall not be engaged primarily in any one or more of the following enterprises:

a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;

b. The provision of professional services, such as legal, accounting, or engineering services;

c. Governmental, charitable, religious, or trade organizations;

d. The ownership, development brokerage, sales, or leasing of real estate;

e. Insurance;

f. Construction or construction management or contracting;

g. Business consulting or brokerage;

h. Any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;

i. Any activity that is in violation of the law;

j. Any business raising money primarily to purchase real estate, land, or fixtures; and

k. Any gambling related business;

(f) The business has a reasonable chance of success;

(g) The business has the reasonable potential to create measurable employment within the region, this state, or both;

(h) The business has an innovative and proprietary technology, product, or service;

(i) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;

(j) The securities to be issued and purchased are qualified securities;

(k) The business has the reasonable potential to address the needs and opportunities specific to the region or this state, or both;

(l) The business has made binding commitments to the regional SBTDC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the regional SBTDC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the regional SBTDC to record and publish

normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets; and

(m) The business shall satisfy all other requirements of this section and section 348.274.

(4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the department.

(5) A qualified Missouri business shall have the burden of proof to demonstrate to the regional SBTDC the qualifications of the business under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.274 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

348.274. 1. (1) Each regional SBTDC is authorized to allocate tax credits to qualified Missouri businesses. The department is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the regional SBTDC, are most likely to provide the greatest economic benefit to the region, the state, or both. The regional SBTDC may allocate, and the department may issue, whole or partial tax credits based on the regional SBTDC's assessment of the qualified Missouri businesses. The regional SBTDC may consider numerous factors in such assessment, including but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which a regional SBTDC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the regional SBTDC a report before such tax credits are issued. The regional SBTDC shall provide copies of this report to the department. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as the regional SBTDC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned

down.

(2) Each qualified Missouri business shall have the obligation to notify the regional SBTDC that allocated tax credits to the qualified Missouri business and the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The department shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The department shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by each regional SBTDC or the department with respect to this section and section 348.273.

(4) If the department determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department shall send a notice of loss of designation to the business, each regional SBTDC, the director of the department of revenue and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business and shall repay any financial assistance to the regional SBTDC, in an amount to be determined by the regional SBTDC. Each qualified Missouri business that loses its designation as a qualified Missouri business shall enter into a repayment agreement with the regional SBTDC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted to any regional SBTDC or the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the regional SBTDC and the department, as applicable. For the purposes of this section and section 348.273, “trade secrets” means any customer lists, formula, compound, production data, or compilation of information that will allow individuals within a commercial concern using such information the means to fabricate, produce, or compound an article of trade or perform any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) Each regional SBTDC and the department may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee's Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the department.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the applicable regional SBTDC on an annual basis, on or before February first. The regional SBTDC shall provide copies of the reports to the department. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information as the regional SBTDC or the department may reasonably require under this section and section 348.273.

(2) Each regional SBTDC shall report quarterly to the department on the allocation of the tax credits in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications the regional SBTDC received;

(b) The number and ratio of successful applications to unsuccessful applications;

(c) The amount of tax credits allocated but not issued in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms;

(d) The amount of unallocated tax credits; and

(e) Such other information as reasonably agreed upon by each regional SBTDC and the department.

(3) The department shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefitted from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in the region that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were

awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within the region during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within the region;

(h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;

(i) Information regarding what businesses derived benefit from the tax credits remained in the region, what businesses ceased business, what businesses were purchased, and what businesses may have moved out-of-region or out-of-state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and such business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.

5. Notwithstanding sections 23.250 to 23.298 of the Missouri sunset act, sections 348.273 and 348.274 shall expire on December 31, 2019.

447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. **Notwithstanding any provisions of law to the contrary, the department shall not authorize tax credits and exemptions pursuant to this subsection after the effective date of this act.** For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars

per year for each person who is a person difficult to employ as defined by section 135.240, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245 for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471 who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, related taxpayer has the same meaning as defined in subdivision (9) of section 135.100;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible

project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100 which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, [in addition to the tax credits allowed in subsection 1 of this section,] grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot

exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to 6 of section 135.250. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater

of:

(1) That portion of the taxpayer's income attributed to the eligible project; or

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be

earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471;
- (2) The partners of the partnership.

The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

12. For each fiscal year beginning on or after July 1, 2013, no more than twenty million dollars in tax credits shall be authorized under the provisions of section 447.700 to 447.718.”; and

Further amend said bill, page 310, section 644.032, line 24 of said page, by inserting immediately after said line the following:

“Section 1. 1. No political subdivision shall be responsible for costs associated with upgrading infrastructure due to an increased use of such infrastructure caused by the program authorized under sections 135.1550 to 135.1575.

2. The department of natural resources shall conduct a comprehensive water study on the impact that the program authorized under sections 135.1550 to 135.1575 has on surrounding storm water drainage.”; and

Further amend said Page 311, Section 67.1911, Line 30 of said page, by inserting after all of said line the following:

“[143.119. 1. A self-employed taxpayer, as such term is used in the federal internal revenue code, who is otherwise ineligible for the federal income tax health insurance deduction under Section 162 of the federal internal revenue code shall be entitled to a credit against the tax otherwise due under this chapter, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the portion of such taxpayer's federal tax liability incurred due to such taxpayer's inclusion of such payments in federal adjusted gross income. The tax credits authorized under this section shall be nontransferable. To the extent tax credit issued under this section exceeds a taxpayer's state income tax liability, such excess shall be considered an overpayment of tax and shall be refunded to the taxpayer.

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]”;

Further amend said bill, Page 316, Section B, Line 3 of said page, by inserting after all of said line the following:

“Section C. Because immediate action is necessary to encourage economic development in the state, the enactment of sections 135.1550, 135.1555, 135.1560, 135.1565, 135.1570, and 135.1575 and the repeal and reenactment of sections 135.350, 135.352, 135.484, 253.550, 253.557, 253.559, and 447.708 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 135.1550, 135.1555, 135.1560, 135.1565, 135.1570, and 135.1575 and the repeal and reenactment of sections 135.350, 135.352, 135.484, 253.550, 253.557, 253.559, and 447.708 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Nasheed offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 12, Section 143.071, Line 5 of said page, by inserting immediately after said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer’s federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer’s federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax

purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, “combat zone” means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under subdivision (3) of subsection 2 of this section, the amount by which addition modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection; **and**

(10) An amount equal to three thousand dollars for any taxpayer that has previous military service in a combat zone and if discharged, under honorable conditions.

4. There shall be added to or subtracted from the taxpayer’s federal adjusted gross income the taxpayer’s share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer’s federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer’s federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer’s federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, “qualified health insurance premium” means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer’s spouse, or the taxpayer’s dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer’s federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2009, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer’s federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year or cumulatively exceed two thousand dollars per taxpayer or taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2013.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schaaf assumed the Chair.

Senator Sifton offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 161, Section 143.011, Line 4 of said page, by striking the following: “\$8,600” and inserting in lieu thereof the following: “**\$8,700**”; and further amend lines 6-7 of said page, by striking all of said lines and inserting in lieu thereof the following:

“**Over \$8,700 \$299 plus 5 17/20% of excess
over \$8,700**”; and

Further amend said bill and section, page 162, line 1 of said page, by striking the following: “\$8,200” and inserting in lieu thereof the following: “**\$8,400**”; and further amend lines 3-4 of said page, by striking all of said lines and inserting in lieu thereof the following:

“**Over \$8,400 \$282 plus 5 7/10% of excess
over \$8,400**”; and further amend said

page, line 24 of said page, by striking the following: “\$7,800” and inserting in lieu thereof the following: “**\$8,000**”; and further amend lines 26-27 of said page, by striking all of said lines, and inserting in lieu thereof the following:

“**Over \$8,000 but not over \$8,100 \$260 plus 5 1/2% of excess
over \$8,000**

**Over \$8,100 \$266 plus 5 11/20% of excess
over \$8,100**”; and

Further amend said bill and section, page 163, line 19 of said page, by striking the following: “\$7,400” and inserting in lieu thereof the following: “**\$7,900**”; and further amend lines 21-22 of said page, by striking

all of said lines and inserting in lieu thereof the following:

**“Over \$7,900 \$255 plus 5 8/20% of excess
over \$7,900”; and**

Further amend said bill and section, page 164, line 14 of said page, by striking all of said line and inserting in lieu thereof the following:

**“Over \$7,000 but not over \$7,600 \$210 plus 5% of excess
over \$7,000**

**Over \$7,600 \$243 plus 5 1/4% of excess
over \$7,600”; and**

Further amend said bill, page 165, section 143.021, line 8 of said page, by striking the word “six” and inserting in lieu thereof the following: **“seven”**; and further amend line 12 of said page, by striking the word “six” and inserting in lieu thereof the following: **“seven”**; and further amend line 18 of said page, by striking the word “six” and inserting in lieu thereof the following: **“seven”**; and further amend line 22 of said page, by striking the word “two” and inserting in lieu thereof the following: **“four”**; and further amend line 26 of said page, by striking the word “two” and inserting in lieu thereof the following: **“four”**; and

Further amend said bill and section, page 166, line 4 of said page, by striking the word “two” and inserting in lieu thereof the following: **“four”**; and further amend line 8 of said page, by striking the following: “seven thousand eight” and inserting in lieu thereof the following: **“eight thousand one”**; and further amend lines 12-13 of said page, by striking the following: “seven thousand eight” and inserting in lieu thereof the following: **“eight thousand one”**; and further amend line 18 of said page, by striking the following: “seven thousand eight” and inserting in lieu thereof the following: **“eight thousand one”**; and further amend line 23 of said page, by striking the word “four” and inserting in lieu thereof the following: **“six”**; and further amend line 27 of said page, by striking the word “four” and inserting in lieu thereof the following: **“six”**; and

Further amend said bill and section, page 167, line 5 of said page, by striking the word “four” and inserting in lieu thereof the following: **“six”**; and further amend line 9 of said page, by inserting immediately after the word “thousand” the following: **“three hundred”**; and further amend line 13 of said page, by inserting immediately after the word “thousand” the following: **“three hundred”**; and further amend line 18 of said page, by inserting immediately after the word “thousand” the following: **“three hundred”**; and

Further amend said bill, page 169, section 143.071, line 16 of said page, by striking the word “one-twentieths” and inserting in lieu thereof the following: **“one-tenth”**; and further amend line 21 of said page, by striking the word “seventeen-twentieths” and inserting in lieu thereof the following: **“nineteen-twentieths”**; and further amend line 26 of said page, by striking the word “thirteen-twentieths” and inserting in lieu thereof the following: **“four-fifths”**; and

Further amend said bill and section, page 170, line 3 of said page, by striking the word “nine” and inserting in lieu thereof the following: **“thirteen”**; and further amend line 7 of said page, by striking the word “one-quarter” and inserting in lieu thereof the following: **“one-half”**; and further amend line 8, by inserting immediately after all of said line the following:

“4. Notwithstanding the provisions of this section to the contrary, the first twenty-five thousand

dollars of corporate income shall be exempt from taxation.

5. If the federal Marketplace Fairness Act of 2013 or similar legislation providing for a uniform method of collection of sales and use tax on purchases shipped into this state becomes federal law, the director of the department of revenue shall, by rule, adjust the tax rates of this section to decrease the rate of tax by one-fourth percent.”.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Kraus offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 164, Section 143.011, Line 14, by inserting immediately after all of said line the following:

“**over \$7,000**”; and

Further amend said bill, page 167, section 143.021, line 22, by striking the number “144.011” and inserting in lieu thereof the following: **“143.011”**.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator LeVota offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 310, Section 644.032, Line 24, by inserting immediately after all of said line the following:

“Section 1. The provisions of this act shall terminate on August 28 following any fiscal year where net general revenue collections of the state decrease from the prior fiscal year.

Section 2. Notwithstanding the provisions of section 1.140, to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion failed.

Senator Kraus moved that **SS No. 2 for SCS for SBs 26, 11 and 31**, as amended, be adopted, which motion prevailed.

On motion of Senator Kraus, **SS No. 2 for SCS for SBs 26, 11 and 31**, as amended, was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Munzlinger introduced to the Senate, 2012 Ms. Missouri Nursing Home, Elvis Gundy, Memphis.

Senator Brown introduced to the Senate, Chantae Alfred, Tracy Dampier and Jessica Beucler, Leadership Phelps County, Rolla.

Senator Schmitt introduced to the Senate, Dr. Stuart Sweet, St. Louis; and forty-five Pediatric Residents from Missouri’s pediatric hospitals.

On behalf of Senator Schaaf, the President introduced to the Senate, Dr. Claudia Peruschoff, Poplar Bluff.

Senator Lamping introduced to the Senate, Sean Donegan, Columbia.

Senator Holsman introduced to the Senate, Thuylinh Pham, M.D., Elizabeth Simpson, M.D., Juhi Kangas, M.D., Erin McDaniel, M.D., Disa F. Wagner, D.O., Kylie Clark, M.D. and Emily Killough, M.D., Pediatric Residents from Children's Mercy Hospital, Kansas City.

Senator Schaefer introduced to the Senate, Dr. Kristin Sohl and twenty-five Pediatric Residents from University of Missouri-Columbia.

Senator Schaefer introduced to the Senate, Dr. Mary Stegmaier, Emily Johnson and students, Youngil Kim, Bo sun Choi, Iris Chun and Jae Jang, Truman School of Public Affairs, University of Missouri-Columbia.

Senator Lager introduced to the Senate, members of the Student Senate, Northwest Missouri State University, Maryville.

Senator Nieves introduced to the Senate, the Physician of the Day, Dr. Tom Stamos, Chesterfield.

Senator Sifton introduced to the Senate, representatives of FOCUS Leadership St. Louis.

Senator Pearce introduced to the Senate, Dr. Julie Dill, Superintendent, Crest Ridge R-VII School District.

Senator Pearce introduced to the Senate, Records of Deeds, Jamie Nichols, Saline County; Patsy Olvera, Lafayette County; and Jan Jones, Johnson County.

Senator Curls introduced to the Senate, representatives of Restart, Inc., Kansas City.

Senator Walsh introduced to the Senate, Butch Hepburn, St. Louis.

Senator Pearce introduced to the Senate, his brother, Mark, and Michael O'Keefe, Warrensburg; Michael Zeller, Kansas City; and Jack Galmiche, St. Louis.

Senator Romine introduced to the Senate, his niece, Jaime Dement and Girl Scouts from Ashland and Sikeston.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY—THURSDAY, MARCH 7, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 393-Libla and Emery
SB 394-Silvey

SB 395-Kraus and LeVota
SB 396-Holsman and Chappelle-Nadal

SB 397-Holsman and Curls	SB 437-Pearce
SB 398-Holsman	SB 438-Munzlinger
SB 399-Holsman and Curls	SB 439-Munzlinger
SB 400-Holsman	SB 440-Munzlinger
SB 401-Rupp	SB 441-Dempsey
SB 402-Rupp	SB 442-Silvey
SB 403-Rupp	SB 443-Silvey
SB 404-Munzlinger	SB 444-Schaaf
SB 405-Sater	SB 445-Wasson
SB 406-Wallingford	SB 446-Brown
SB 407-Wallingford	SB 447-Brown
SB 408-Emery	SB 448-Schmitt and Keaveny
SB 409-Keaveny	SB 449-Romine
SB 410-Kehoe	SB 450-Justus
SB 411-Kehoe	SB 451-Justus
SB 412-Kehoe	SB 452-Justus
SB 413-Wasson	SB 453-Cunningham
SB 414-Dixon	SB 454-Nieves
SB 415-Dixon	SB 455-Nieves
SB 416-Dixon	SB 456-Parson
SB 417-Lager	SB 457-Parson
SB 418-Lager	SB 458-Kehoe
SB 419-Lager	SB 459-Kehoe
SB 420-Lager	SB 460-Kehoe
SB 421-Walsh	SB 461-Wallingford
SB 422-Curls and LeVota	SB 462-Schaefer
SB 423-Nasheed	SB 463-Schaefer
SB 424-Nasheed	SB 464-Schaefer
SB 425-Nasheed	SB 465-Schaefer
SB 426-Nasheed	SB 466-Schaefer
SB 427-Sifton	SB 467-Schaefer
SB 428-Sifton	SB 468-Schaefer
SB 429-Chappelle-Nadal	SB 469-Chappelle-Nadal
SB 430-Chappelle-Nadal	SB 470-Rupp
SB 431-Cunningham	SB 471-Rupp
SB 432-Cunningham	SB 472-Rupp
SB 433-Lamping, et al	SB 473-Lamping and Lager
SB 434-Lamping, et al	SB 474-Lamping
SB 435-McKenna	SB 475-Lamping
SB 436-McKenna	SB 476-Lamping

SB 477-Lamping
 SB 478-Lamping
 SB 479-Dixon
 SB 480-Richard
 SB 481-Rupp
 SB 482-Nasheed
 SB 483-Nasheed
 SB 484-Cunningham

SJR 17-Nieves
 SJR 18-Schmitt
 SJR 19-Lager
 SJR 20-Curls
 SJR 21-LeVota
 SJR 22-Parson, et al
 SJR 23-Cunningham
 SJR 24-Emery

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen
 HCS for HB 202
 HCS for HB 158
 HCS for HB 388
 HB 44-Korman

HB 34-Guernsey
 HCS for HB 320
 HCS for HB 14
 HCS for HJR 11 & 7
 HJR 8-Solon, et al

THIRD READING OF SENATE BILLS

1. SB 127-Sater (In Fiscal Oversight)
2. SB 41-Munzlinger
3. SCS for SB 240-Lager (In Fiscal Oversight)
4. SCS for SB 164-Walsh
5. SB 193-Schaefer
6. SS for SCS for SB 114-Schmitt
7. SB 102-Kraus

8. SB 73-Schaefer
9. SB 18-Munzlinger
10. SS for SCS for SB 129-Sater
11. SB 208-Justus and McKenna
12. SB 199-Chappelle-Nadal
13. SCS for SB 157-Sater
14. SCS for SB 36-Wallingford and Sifton
15. SB 236-Parson (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
 SB 13-Schaefer, with SCS
 SB 21-Dixon
 SB 22-Dixon

SB 29-Brown, with SCS & SA 3 (pending)
 SB 48-Lamping
 SJR 16-Kehoe and McKenna, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 90-McKenna

SB 218-LeVota

SB 234-Wasson

SB 148-Wasson

RESOLUTIONS

Reported from Committee

SCR 5-Lamping, with SCS

✓

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY—THURSDAY, MARCH 7, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“God is love. He didn’t need us. But he wanted us. And that is the most amazing thing.” (Rick Warren)

Creator God, we are so aware that You are a loving God who wants us to love one another and especially those You have given us to love. It is such an amazing thing to know that our human relationships reflect, in such a finite way, the love You have for Your creation. Yet help us to express this love in the most caring of ways so others may know Your love through us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 449, regarding Dolores Cash, which was adopted.

Senator Lamping offered Senate Resolution No. 450, regarding Fulbright Scholar Ja Tum Seng, which was adopted.

Senator Lamping offered Senate Resolution No. 451, regarding Fulbright Scholar María Pérez, which was adopted.

Senator Lamping offered Senate Resolution No. 452, regarding Fulbright Scholar Daniel Soto, which was adopted.

Senator Kraus offered Senate Resolution No. 453, regarding Audrey Link, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 127**; **SB 236**; and **SCS** for **SB 240**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 127, introduced by Senator Sater, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MOHealthNet dental benefits.

Was taken up.

On motion of Senator Sater, **SB 127** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None**Absent—Senators—None****Absent with leave—Senators—None****Vacancies—None**

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

SB 41, introduced by Senator Munzlinger, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to private nuisance actions.

Was taken up.

On motion of Senator Munzlinger, **SB 41** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Schaaf
Sifton	Walsh—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 240**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 240

An Act to repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations, with an emergency clause for a certain section.

Was taken up by Senator Lager.

On motion of Senator Lager, **SCS** for **SB 240** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Keaveny	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Chappelle-Nadal Curls Holsman Justus Schmitt Sifton—6

Absent—Senators

Nasheed Parson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Keaveny	Kehoe	Kraus	Lager
Lamping	LeVota	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Wallingford	Walsh	Wasson—24

NAYS—Senators

Chappelle-Nadal Curls Emery Holsman Justus Libla Schmitt Sifton
Silvey—9

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 164**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 164

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection.

Was taken up by Senator Walsh.

On motion of Senator Walsh, **SCS** for **SB 164** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine

Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Walsh, title to the bill was agreed to.

Senator Walsh moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 193, introduced by Senator Schaefer, entitled:

An Act to amend chapter 161, RSMo, by adding thereto two new sections relating to the education of gifted and talented children.

Was taken up.

On motion of Senator Schaefer, **SB 193** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 114**, introduced by Senator Schmitt, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114

An Act to repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to intoxicating liquor, with existing penalty provisions and an emergency clause for a certain section.

Was taken up.

On motion of Senator Schmitt, **SS** for **SCS** for **SB 114** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 102, introduced by Senator Kraus, entitled:

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof one new section relating to scrap metal, with existing penalty provisions.

Was taken up.

On motion of Senator Kraus, **SB 102** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 73, introduced by Senator Schaefer, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the prohibition of establishing roadside checkpoint patterns based on vehicle types.

Was taken up.

On motion of Senator Schaefer, **SB 73** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 18, introduced by Senator Munzlinger, entitled:

An Act to repeal sections 33.300, 37.850, and 164.151, RSMo, and to enact in lieu thereof five new sections relating to the transparency and accountability of public funds, with an emergency clause.

Was taken up.

On motion of Senator Munzlinger, **SB 18** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 129, introduced by Senator Sater, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

Was taken up.

On motion of Senator Sater, **SS for SCS for SB 129** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Kehoe
Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 208, introduced by Senators Justus and McKenna, entitled:

An Act to repeal section 211.036, RSMo, and to enact in lieu thereof one new section relating to reentry into the custody of the children's division.

Was taken up by Senator Justus.

On motion of Senator Justus, **SB 208** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 199, introduced by Senator Chappelle-Nadal, entitled:

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to long-term care facilities.

Was taken up.

On motion of Senator Chappelle-Nadal, **SB 199** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Chappelle-Nadal, title to the bill was agreed to.

Senator Chappelle-Nadal moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 157, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157

An Act to repeal sections 407.300, 407.302, and 407.303, RSMo, and to enact in lieu thereof three new sections relating to scrap metal, with penalty provisions.

Was taken up by Senator Sater.

On motion of Senator Sater, **SCS for SB 157** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 36, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 36

An Act to repeal sections 211.071 and 211.073, RSMo, and to enact in lieu thereof three new sections relating to juvenile criminal offenders.

Was taken up by Senator Wallingford.

On motion of Senator Wallingford, **SCS for SB 36** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine

Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rupp moved that motion lay on the table, which motion prevailed.

SB 236, introduced by Senator Parson, entitled:

An Act to repeal section 43.265, RSMo, and to enact in lieu thereof one new section relating to the highway patrol's motor vehicle, aircraft, and watercraft revolving fund.

Was taken up.

On motion of Senator Parson, **SB 236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 90, introduced by Senator McKenna, entitled:

An Act to repeal section 77.030, RSMo, and to enact in lieu thereof one new section relating to terms for councilmen in third class cities.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 90** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 218, introduced by Senator LeVota, entitled:

An Act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof two new sections relating to the display of the Honor and Remember flag at state buildings and state parks.

Was called from the Consent Calendar and taken up.

On motion of Senator LeVota, **SB 218** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator LeVota, title to the bill was agreed to.

Senator LeVota moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 234, introduced by Senator Wasson, entitled:

An Act to repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

Was called from the Consent Calendar and taken up.

On motion of Senator Wasson, **SB 234** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Lager assumed the Chair.

SB 148, introduced by Senator Wasson, entitled:

An Act to repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of salvage certificate of titles or junking certificates to insurance companies.

Was called from the Consent Calendar and taken up.

On motion of Senator Wasson, **SB 148** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla

McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 292**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 294**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Justus, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 125**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 137**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SJR 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 72**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 65**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 116**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 142**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 61**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 61, Page 1, Section 29.305, Line 1, by inserting immediately after “1.” the following: **“If funding is available as required under subsection 6 of this section,”**; and

Further amend said bill and section, page 2, lines 37-38, by striking the following: “by June 30, 2015” and inserting in lieu thereof the following: **“within two years of receiving sufficient money in the fund created under this section to cover the costs of completing the report”**; and further amend line 38, by inserting immediately after all of said line the following:

“5. There is hereby created in the state treasury the “Report on the Costs of Administering the Death Penalty Fund”, which shall consist of money collected under this section. Moneys in the fund shall consist only of gifts, donations, or grants from private sources to pay for the costs of completing the report pursuant to this section and such moneys shall be credited to the fund. The treasurer is authorized to accept all gifts, bequests, and donations from any private source whatsoever to the fund and all such gifts, bequests, and donations shall be placed in the fund. The fund shall be a dedicated fund and money in the fund shall be appropriated by the general assembly to pay for the auditor’s costs in completing the report on the death penalty pursuant to this section. Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The auditor shall only work on the one-time report on the costs of the death penalty pursuant to this section if all costs to the auditor’s office that are associated with the report are paid for by the fund created under this section.”.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 191**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 35**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 178**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 186**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 230**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following report:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 252**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 222**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 55—Appropriations.

HCS for HB 202—Education.

HCS for HB 158—Jobs, Economic Development and Local Government.

HCS for HB 388—Education.

HB 44—Commerce, Consumer Protection, Energy and the Environment.

HB 34—Small Business, Insurance and Industry.

HCS for HB 320—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 14—Appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 16**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 4**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the term limit reform act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 473**, entitled:

An Act to repeal section 393.1012, RSMo, and to enact in lieu thereof one new section relating to gas corporations, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 117**, entitled:

An Act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 5**.

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, the people of the State of Missouri have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this state in the Armed Forces; and

WHEREAS, veterans have paid the high price for freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women from the State of Missouri who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women have given their lives while serving in the Armed Forces; and

WHEREAS, many citizens of our state have earned the Purple Heart Medal, as a result of being wounded while engaged in combat with an enemy force, recognized as a singularly meritorious act of essential service:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby designate the State of Missouri as a Purple Heart State, honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 454, regarding Nicholas James Hochstatter, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 455, regarding Patrick Stephen Kirk, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 456, regarding John Lawrence Kenney, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 457, regarding Amanda Sarver, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 458, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jon C. Carr, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 459, regarding the Seventy-fourth Wedding Anniversary of Mr. and Mrs. Herbert E. Spindler, Jr., St. Joseph, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Boyd Terry, Columbia.

Senator Schaefer introduced to the Senate, Dr. M. Frederick Hawthorne, University of Missouri, Columbia.

Senator Schmitt introduced to the Senate, sponsors and fourth grade students from North Glendale Elementary.

Senator Schaefer introduced to the Senate, representatives of University of Missouri Undergraduate Research Day from around the state.

Senator Wallingford introduced to the Senate, James Russell, Sue Rees, Terri Jackson, Jennifer Byrum,

James Stovall and forty seventh grade students from Nell Holcomb R-IV School District, Cape Girardeau.

Senator Parson introduced to the Senate, Patti Hutton, David Oaks and twenty eighth grade students from Weaubleau Middle School.

Senator Dixon introduced to the Senate, forty students from David Harrison Elementary School, Springfield.

Senator Wallingford introduced to the Senate, Tracy McClard, Jackson.

Senator Dixon introduced to the Senate, Kevin Huffman and his son, Aaron.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, March 11, 2013.

SENATE CALENDAR

THIRTY-THIRD DAY—MONDAY, MARCH 11, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 393-Libla and Emery	SB 416-Dixon
SB 394-Silvey	SB 417-Lager
SB 395-Kraus and LeVota	SB 418-Lager
SB 396-Holsman and Chappelle-Nadal	SB 419-Lager
SB 397-Holsman and Curls	SB 420-Lager
SB 398-Holsman	SB 421-Walsh
SB 399-Holsman and Curls	SB 422-Curls and LeVota
SB 400-Holsman	SB 423-Nasheed
SB 401-Rupp	SB 424-Nasheed
SB 402-Rupp	SB 425-Nasheed
SB 403-Rupp	SB 426-Nasheed
SB 404-Munzlinger	SB 427-Sifton
SB 405-Sater	SB 428-Sifton
SB 406-Wallingford	SB 429-Chappelle-Nadal
SB 407-Wallingford	SB 430-Chappelle-Nadal
SB 408-Emery	SB 431-Cunningham
SB 409-Keaveny	SB 432-Cunningham
SB 410-Kehoe	SB 433-Lamping, et al
SB 411-Kehoe	SB 434-Lamping, et al
SB 412-Kehoe	SB 435-McKenna
SB 413-Wasson	SB 436-McKenna
SB 414-Dixon	SB 437-Pearce
SB 415-Dixon	SB 438-Munzlinger

SB 439-Munzlinger	SB 466-Schaefer
SB 440-Munzlinger	SB 467-Schaefer
SB 441-Dempsey	SB 468-Schaefer
SB 442-Silvey	SB 469-Chappelle-Nadal
SB 443-Silvey	SB 470-Rupp
SB 444-Schaaf	SB 471-Rupp
SB 445-Wasson	SB 472-Rupp
SB 446-Brown	SB 473-Lamping and Lager
SB 447-Brown	SB 474-Lamping
SB 448-Schmitt and Keaveny	SB 475-Lamping
SB 449-Romine	SB 476-Lamping
SB 450-Justus	SB 477-Lamping
SB 451-Justus	SB 478-Lamping
SB 452-Justus	SB 479-Dixon
SB 453-Cunningham	SB 480-Richard
SB 454-Nieves	SB 481-Rupp
SB 455-Nieves	SB 482-Nasheed
SB 456-Parson	SB 483-Nasheed
SB 457-Parson	SB 484-Cunningham
SB 458-Kehoe	SJR 17-Nieves
SB 459-Kehoe	SJR 18-Schmitt
SB 460-Kehoe	SJR 19-Lager
SB 461-Wallingford	SJR 20-Curls
SB 462-Schaefer	SJR 21-LeVota
SB 463-Schaefer	SJR 22-Parson, et al
SB 464-Schaefer	SJR 23-Cunningham
SB 465-Schaefer	SJR 24-Emery

HOUSE BILLS ON SECOND READING

HCS for HJR 11 & 7	HJR 4-Neth, et al
HJR 8-Solon, et al	HCS for HB 473
HJR 16-McCaherty, et al	HCS for HB 117

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------|-------------------------------------|
| 1. SB 292-Rupp | 7. SB 216-Silvey and Justus |
| 2. SB 207-Kehoe, et al, with SCS | 8. SB 137-Sater |
| 3. SB 237-Emery | 9. SJR 14-Schaefer, et al, with SCS |
| 4. SB 294-Schmitt | 10. SB 72-Schaefer |
| 5. SB 241-Lager, with SCS | 11. SB 65-Dixon, with SCS |
| 6. SB 125-Nasheed, with SCS | 12. SB 116-Kraus, with SCS |

13. SB 61-Keaveny, with SCA 1
14. SB 35-Wallingford
15. SB 178-Schaaf, with SCS
16. SB 186-Brown, with SCS

17. SB 230-Brown, et al
18. SB 252-Kraus
19. SB 222-Lamping

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon

SB 29-Brown, with SCS & SA 3 (pending)
SB 48-Lamping
SJR 16-Kehoe and McKenna, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/7

SB 147-Wasson, with SCS
SB 224-Curls, et al, with SCS
SB 211-Rupp

SB 242-Kehoe
SB 142-Sifton
SB 191-Lamping, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Lamping, with SCS

To be Referred

HCR 5-Phillips

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—MONDAY, MARCH 11, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If anyone believes in me, rivers of living water will flow out from that person’s heart.” (John 7:38)

O God, we all need to drink from Your reservoir to deal with our long drives, dull days, demanding meetings, difficult situations and so forth. So we are thankful to receive anew Your spirit that refreshes us and hydrates our hearts so our efforts may flow like a river working that which is well pleasing to You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 7, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 460, regarding Logan DeMott, Kansas City, which was adopted.

Senator Brown offered Senate Resolution No. 461, regarding Danette Brown Sherrell, Rolla, which was adopted.

Senator Cunningham offered Senate Resolution No. 462, regarding the Honorable John Moody, Mansfield, which was adopted.

Senator Lamping offered Senate Resolution No. 463, regarding Aly Alexander, St. Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 464, regarding Dr. Jamie Jordan, which was adopted.

Senator Lamping offered Senate Resolution No. 465, regarding Anjali Fernandes, which was adopted.

Senator Lamping offered Senate Resolution No. 466, regarding Sam Skibbe, Saint Louis, which was adopted.

Senator Keaveny offered Senate Resolution No. 467, regarding Essence Lee, which was adopted.

Senator Keaveny offered Senate Resolution No. 468, regarding Thomas Fields, which was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 469

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its Youth in Government program on November 14, 2013 through November 16, 2013 and December 5, 2013 through December 7, 2013.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 469** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 469** was adopted.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SBs 26, 11 and 31**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS No. 2** for **SCS** for **SBs 26, 11** and **31** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **HCR 5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Richard, the Senate recessed until 6:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

SENATE BILLS FOR PERFECTION

Senator Brown moved that **SB 29**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Kehoe assumed the Chair.

Senator Kraus assumed the Chair.

Senator Sifton requested a roll call vote be taken on the adoption of **SA3**. He was joined in his request by Senators Curls, Justus, McKenna and Walsh.

Senator Kehoe assumed the Chair.

Senator Lager assumed the Chair.

Senator Schaaf assumed the Chair.

President Pro Tem Dempsey assumed the Chair.

Senator Justus moved that **SA 3** be adopted, which motion failed by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Silvey	Walsh—11					

NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Pearce	Richard	Romine	Sater
Schaaf	Wallingford	Wasson—19					

Absent—Senators

Parson	Rupp	Schaefer	Schmitt—4
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Absent with leave—Senators—None

Vacancies—None

Senator Brown offered **SS** for **SCS** for **SB 29**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 29

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

Senator Brown moved that **SS** for **SCS** for **SB 29** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 3, Section 105.504, Line 2, by striking “the (name of the committee)” and inserting in lieu thereof, the following: “**a continuing committee formed by your public labor organization**”; and further amend lines 13-14 by striking all of said lines, and inserting in lieu thereof, the following: “**transferred to the public labor organization’s continuing committee. Records**”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SS** for **SCS** for **SB 29**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **SCS** for **SB 29**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 470, regarding Jane Marie Boal, Kirkwood, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Schaefer and himself, Senator Pearce introduced to the Senate, University of Missouri-Columbia Engineering Students.

Senator Keaveny introduced to the Senate, Luke Sapa, St. Louis University.

Senator Schaefer introduced to the Senate, Cassie and Allana Grewing, Jefferson City; and Allana was made an honorary page.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FOURTH DAY—TUESDAY, MARCH 12, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 393-Libla and Emery

SB 394-Silvey

SB 395-Kraus and LeVota	SB 439-Munzlinger
SB 396-Holsman and Chappelle-Nadal	SB 440-Munzlinger
SB 397-Holsman and Curls	SB 441-Dempsey
SB 398-Holsman	SB 442-Silvey
SB 399-Holsman and Curls	SB 443-Silvey
SB 400-Holsman	SB 444-Schaaf
SB 401-Rupp	SB 445-Wasson
SB 402-Rupp	SB 446-Brown
SB 403-Rupp	SB 447-Brown
SB 404-Munzlinger	SB 448-Schmitt and Keaveny
SB 405-Sater	SB 449-Romine
SB 406-Wallingford	SB 450-Justus
SB 407-Wallingford	SB 451-Justus
SB 408-Emery	SB 452-Justus
SB 409-Keaveny	SB 453-Cunningham
SB 410-Kehoe	SB 454-Nieves
SB 411-Kehoe	SB 455-Nieves
SB 412-Kehoe	SB 456-Parson
SB 413-Wasson	SB 457-Parson
SB 414-Dixon	SB 458-Kehoe
SB 415-Dixon	SB 459-Kehoe
SB 416-Dixon	SB 460-Kehoe
SB 417-Lager	SB 461-Wallingford
SB 418-Lager	SB 462-Schaefer
SB 419-Lager	SB 463-Schaefer
SB 420-Lager	SB 464-Schaefer
SB 421-Walsh	SB 465-Schaefer
SB 422-Curls and LeVota	SB 466-Schaefer
SB 423-Nasheed	SB 467-Schaefer
SB 424-Nasheed	SB 468-Schaefer
SB 425-Nasheed	SB 469-Chappelle-Nadal
SB 426-Nasheed	SB 470-Rupp
SB 427-Sifton	SB 471-Rupp
SB 428-Sifton	SB 472-Rupp
SB 429-Chappelle-Nadal	SB 473-Lamping and Lager
SB 430-Chappelle-Nadal	SB 474-Lamping
SB 431-Cunningham	SB 475-Lamping
SB 432-Cunningham	SB 476-Lamping
SB 433-Lamping, et al	SB 477-Lamping
SB 434-Lamping, et al	SB 478-Lamping
SB 435-McKenna	SB 479-Dixon
SB 436-McKenna	SB 480-Richard
SB 437-Pearce	SB 481-Rupp
SB 438-Munzlinger	SB 482-Nasheed

SB 483-Nasheed
 SB 484-Cunningham
 SJR 17-Nieves
 SJR 18-Schmitt
 SJR 19-Lager

SJR 20-Curls
 SJR 21-LeVota
 SJR 22-Parson, et al
 SJR 23-Cunningham
 SJR 24-Emery

HOUSE BILLS ON SECOND READING

HCS for HJR 11 & 7
 HJR 8-Solon, et al
 HJR 16-McCaherty, et al

HJR 4-Neth, et al
 HCS for HB 473
 HCS for HB 117

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 26, 11 &
 31-Kraus (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 292-Rupp
 2. SB 207-Kehoe, et al, with SCS
 3. SB 237-Emery
 4. SB 294-Schmitt
 5. SB 241-Lager, with SCS
 6. SB 125-Nasheed, with SCS
 7. SB 216-Silvey and Justus
 8. SB 137-Sater
 9. SJR 14-Schaefer, et al, with SCS
 10. SB 72-Schaefer

11. SB 65-Dixon, with SCS
 12. SB 116-Kraus, with SCS
 13. SB 61-Keaveny, with SCA 1
 14. SB 35-Wallingford
 15. SB 178-Schaaf, with SCS
 16. SB 186-Brown, with SCS
 17. SB 230-Brown, et al
 18. SB 252-Kraus
 19. SB 222-Lamping

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
 SB 13-Schaefer, with SCS
 SB 21-Dixon

SB 22-Dixon
 SB 48-Lamping
 SJR 16-Kehoe and McKenna, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/7

SB 147-Wasson, with SCS

SB 224-Curls, et al, with SCS

SB 211-Rupp
SB 242-Kehoe

SB 142-Sifton
SB 191-Lamping, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Lamping, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY—TUESDAY, MARCH 12, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Death and life are in the power of the tongue.” (Proverbs 18:21)

Almighty God, we are thankful for this time to share ideas and assist and improve the bills before us. Our words have great importance and power for those we address our concerns and direct our efforts. We pray that You will guide our tongues, for we know they have the power to change one’s life simply by the words we speak. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Curls offered Senate Resolution No. 471, regarding Dr. Brian Huff, which was adopted.

Senator Nieves offered Senate Resolution No. 472, regarding Kenneth O. Baker, Saint Louis, which was adopted.

Senator Nieves offered Senate Resolution No. 473, regarding Merrill C. Hinzpeter, Chesterfield, which was adopted.

Senator LeVota offered Senate Resolution No. 474, regarding Sarah Schraml, Independence, which was adopted.

Senator Wallingford offered Senate Resolution No. 475, regarding William C. "Bill" McMurray, Piedmont, which was adopted.

Senator Wallingford offered Senate Resolution No. 476, regarding Cindy Boyers, Poplar Bluff, which was adopted.

CONCURRENT RESOLUTIONS

Senator Brown offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the Army 2020 Force Structure Realignment Programmatic Environmental Assessment (PEA) includes a plan to reduce the Army's end strength and realign its forces over the coming years which will affect 21 Army installations across the country, including Fort Leonard Wood in Missouri; and

WHEREAS, these Army reductions and realignments that may occur from Fiscal Year 2013-2020 will result in significant impacts to a variety of economic measures in communities neighboring these 21 installations; and

WHEREAS, the PEA specifically references the impact of force structure reductions at Fort Leonard Wood in Missouri, including reduction in employment, income, regional population, and sales; and

WHEREAS, Fort Leonard Wood currently has a permanent workforce of approximately 9,500 soldiers and Army civilians, not including trainees, students, family members, other service members, contractors, and non-full time employees; and

WHEREAS, the Programmatic Environmental Assessment proposes a loss of up to 3,900 of these soldiers and Army civilians, which is a loss of 41% of permanent staff and an added loss of 450 direct and 504 indirect jobs across the community; and

WHEREAS, the economic impact across the three-county region, as defined in the study, would be devastating. The study shows a loss of 8% in annual sales, 6.75% in tax revenue, 11.21% in employment, and 7.5% in population; and

WHEREAS, as the study notes, only a portion of the potential loss is considered in the study. The study states that there may also be a loss of 10% of training load and an unknown percentage of other services not factored into the analysis. With this additional loss, the overall loss would be catastrophic for the region; and

WHEREAS, the majority of the impact would be felt in Pulaski County, Missouri; and

WHEREAS, the study projects a loss of almost 3,700 K-12 school students in the region, with a majority of the loss in the Waynesville School District that provides K-12 schools on Fort Leonard Wood and the immediate vicinity; and

WHEREAS, Waynesville School District has approximately 6,000 students enrolled today. Assuming 85% of the loss in that school district, the district would realize a 52% loss of its current enrollment; and

WHEREAS, to continue to provide the highest level of quality education, the Waynesville School District has recently invested in several new facilities, a high school, elementary school, and career center. These facilities are heavily dependent on continuing federal impact aid for construction bond funding. Based on the projected level of impact aid loss, the district would be placed in serious financial jeopardy; and

WHEREAS, the impact of these losses would be felt not only in the communities surrounding Fort Leonard Wood, but the entire State of Missouri. The full impact of the state if the troop reduction goes forward has yet to be determined, but it is certain it would be significant,

because Fort Leonard Wood is one of the largest employers in the State of Missouri; and

WHEREAS, Fort Leonard Wood is an important asset for the Army and the Department of Defense through pioneering the concepts of multiple schools at one location, and multi-service training and education; and

WHEREAS, the Army has made a multi-billion dollar investment in new infrastructure at the installation and its operating costs are among the lowest in the country. Fort Leonard Wood should be considered for additional mission growths, not reductions; and

WHEREAS, final decisions will be made over the next several years. The projected \$233 million in economic loss and 6,441 jobs affected as a result of the proposed Army reductions will have a significant impact to the State of Missouri and catastrophic to the region:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly urge the Department of Defense to reconsider the reduction and realignment of Army forces at Fort Leonard Wood, Missouri, and continue full operation at this installation, which has one of the lowest installation operating costs in the country; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Secretary of the United States Department of Defense, the United States Army Environment Command, and each member of the Missouri Congressional delegation.

Senator Lamping moved that **SCR 5**, with **SCS**, be taken up for adoption, which motion prevailed.

Senator Lamping moved that **SCS** for **SCR 5** be adopted, which motion prevailed.

On motion of Senator Lamping, **SCR 5**, as amended by **SCS**, was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Sifton
Walsh—9							

Absent—Senators

Nasheed	Nieves—2
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Absent with leave—Senators—None

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SJR 16**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SJR 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

Was taken up.

Senator Kehoe moved that **SCS** for **SJR 16** be adopted.

Senator Kehoe offered **SS** for **SCS** for **SJR 16**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

Senator Pearce assumed the Chair.

Senator Kehoe moved that **SS** for **SCS** for **SJR 16** be adopted.

At the request of Senator Kehoe, **SJR 16**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 9**.

HOUSE CONCURRENT RESOLUTION NO. 9

WHEREAS, Article I, Section VIII of the United States Constitution requires the United States Congress to regulate the value of our currency and maintain strict control over the monetary policy of the United States of America; and

WHEREAS, since its institution in 1913, the Federal Reserve Bank of the United States, by inflating the money supply and manipulating interest rates, has eroded the purchasing power of the dollar by approximately 95%, created price instability, and has contributed to boom and bust business cycles; and

WHEREAS, the Federal Reserve Bank of the United States and the United States Treasury have levied the burden of debt on American taxpayers to the degree of several trillion dollars; and

WHEREAS, a partial audit of the Federal Reserve has informed the American people that trillions of dollars were used to bail out foreign banks without the consent of the United States Congress; and

WHEREAS, agreements made by the Federal Reserve with foreign powers and foreign banking institutions should be subject to Congressional oversight; and

WHEREAS, the Federal Reserve refuses to fully disclose the details of its emergency lending practices; and

WHEREAS, allowing the Federal Reserve to operate our nation's monetary system without full disclosure and transparency has led to a lower quality of life for the American people and abuse verified by the United States Government Accountability Office in its 2011 Report to Congress; and

WHEREAS, a complete audit of the Federal Reserve, for the first time in its history, would provide answers to the American people about how our money is being spent, where our money is being spent, and at what cost:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to pass the Federal Reserve Transparency Act to require a complete audit of the Federal Reserve Bank of the United States in order to hold the Federal Reserve accountable to the United States Congress and the American people in accordance with Article I, Section VIII of the United States Constitution, which pertains to

monetary policy that directly impacts the nation's immediate economic environment; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Ben Bernanke, Chairman of the Federal Reserve Bank of the United States; Timothy Geithner, Secretary of the Treasury of the United States; John Boehner, Speaker of the United States House of Representatives; Harry Reid, Majority Leader of the United States Senate; and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 7**.

HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, the State of Missouri has a rich and complex history; and

WHEREAS, the lives of Missourians are enriched by a broad and deep understanding of that history; and

WHEREAS, the State of Missouri was formally admitted into the Union of the United States of America on August 10, 1821; and

WHEREAS, the year 2021 marks the bicentennial of the State of Missouri's admission into the Union; and

WHEREAS, commemorative events drawing attention to the passage of historical milestones offer significant opportunities for generating interest in documenting and celebrating the exceptionalism of a state's history; and

WHEREAS, the Missouri General Assembly, through Chapter 183 of the Revised Statutes of Missouri, authorized the State Historical Society of Missouri to act as a "trustee" of the state's history; and

WHEREAS, the State Historical Society of Missouri is responsible for collecting, preserving and sharing the materials for the study of the history of Missouri and the heritage of Missourians; and

WHEREAS, since its creation in 1898, the State Historical Society of Missouri has become the premier institution for the study and celebration of Missouri state and local history and aspires to build the Center for Missouri Studies; and

WHEREAS, statewide commemorations require significant preparation and planning over multiple years:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby direct the State Historical Society of Missouri to develop plans, ideas and proposals to commemorate and celebrate the State of Missouri's bicentennial; and

BE IT FURTHER RESOLVED that the State Historical Society of Missouri ready itself to provide guidance and direction to a statewide effort to promote and celebrate the State of Missouri's rich and complex history through and beyond a bicentennial celebration in the year 2021; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the State Historical Society of Missouri.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 29**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SCS** for **SB 29** to the Committee on Governmental

Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaaf.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 477, regarding Kenneth Wayne Finley, III, Columbia, which was adopted.

Senator Dempsey offered Senate Resolution No. 478, regarding Drake Bryant Meyer, St. Charles, which was adopted.

Senator Schaefer offered Senate Resolution No. 479, regarding Riley Miller, Rushville, which was adopted.

Senator Dempsey offered Senate Resolution No. 480, regarding Warren S. Goddard, Saint Charles, which was adopted.

Senator Kehoe offered Senate Resolution No. 481, regarding Donald B. "Don" Hillis, Jefferson City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 482, regarding Tina Chidster, Louisiana, which was adopted.

Senator Munzlinger offered Senate Resolution No. 483, regarding Michelle Niedner, Louisiana, which was adopted.

Senator Munzlinger offered Senate Resolution No. 484, regarding Sally Logan, Louisiana, which was adopted.

Senator Munzlinger offered Senate Resolution No. 485, regarding Jenna Loveless, Louisiana, which was adopted.

Senator Munzlinger offered Senate Resolution No. 486, regarding Robert Brown, Louisiana, which was adopted.

Senator Munzlinger offered Senate Resolution No. 487, regarding Doris Henderson, Louisiana, which was adopted.

Senator Curls offered Senate Resolution No. 488, regarding the Kansas City Missouri Alumnae Chapter of Delta Sigma Theta Sorority, Inc., which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **SBs 26, 11** and **31**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 147**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 211**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 242**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 142**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SBs 26, 11** and **31**, introduced by Senator Kraus, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 26, 11 and 31

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.440, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof eighty new sections relating to taxation, with penalty provisions and effective dates for certain sections.

Was taken up.

On motion of Senator Kraus, **SS No. 2** for **SCS** for **SBs 26, 11** and **31** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Pearce	Sifton	Walsh—11					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 457**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto seven new sections relating to the conscience rights of all individuals who provide medical services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **SB 350**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Romine introduced to the Senate, Dr. Kurtz, Mineral Area College; and Larry Joseph and Jason Thomas, Park Hills.

Senator Libla introduced to the Senate, twenty-six fourth grade students from Caruthersville Middle School; and Mason Prislovsky, Jake Ferguson, Taylor Rickman and Delquon Alexander were made honorary pages.

Senator Parson introduced to the Senate, representatives of Missouri County Treasurers' Association.

Senator Pearce introduced to the Senate, Ron Cornett and Katie Jeffers, Bethany; Jillian Barkacs, Springfield; and Barry Randolph, Marshall Woods.

Senator Keaveny introduced to the Senate, Ali Durhan, Fahri Olgun, Tulin Olgun, Ali Tekin, Cenk

Kandemir, Murat Sagnak, Mustafa Derahovic, Akif Cogo and Sukrije Dzidzovic, Niagara Foundation-Missouri, St. Louis.

On behalf of Senator Brown and himself, Senator Kehoe introduced to the Senate, Becky Dunn and sixteen students from Linn State Technical College.

Senator Brown introduced to the Senate, Cody Sebold, Osage Beach; Karrie Miller, Cuba; and Alex Byrd, Bourbon.

Senator Schmitt introduced to the Senate, Sue Vanhornbeek and Joshua Creed, Juliet Daniel, Rebecca Doctor, Abram Egger, Brandon Fryer, Elliott Gathman, Ashley Hatfield, Brandon Haverkink, Joshua Marcotte, Noelle Priest, Adele Raquepaw and Andrew Van Horn, eighth grade students from Providence Classical Christian Academy, St. Louis.

Senator Schaefer introduced to the Senate, parents and twelve fourth grade students from Christian Chapel Academy, Columbia.

Senator Holsman introduced to the Senate, his wife, Robyn, Kansas City; and Ellen Pittman, Jeanne Jewell and fifty fourth grade students from Red Bridge Elementary, Kansas City.

Senator Curls introduced to the Senate, Korinne and Kala Masters, Kansas City; and Korinne and Kala were made honorary pages.

Senator Pearce introduced to the Senate, Taiylor Llewellyn, Odessa; and Drew Mreen, North Kansas City.

Senator Schmitt introduced to the Senate, his wife, Jaime and their daughters Sophia and Olivia, Glendale; and Sophia was made an honorary page.

Senator Munzlinger introduced to the Senate, his wife, Michele, Williamstown.

Senator Wallingford introduced to the Senate, Tammy Palish, Altenburg.

Senator Kraus introduced to the Senate, his wife, Carmen and their son, Tannor, Lee's Summit.

Senator Holsman introduced to the Senate, Jenny M. Coffey, Eatontown, New Jersey.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY—WEDNESDAY, MARCH 13, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 393-Libla and Emery

SB 394-Silvey

SB 395-Kraus and LeVota

SB 396-Holsman and Chappelle-Nadal

SB 397-Holsman and Curls

SB 398-Holsman

SB 399-Holsman and Curls	SB 439-Munzlinger
SB 400-Holsman	SB 440-Munzlinger
SB 401-Rupp	SB 441-Dempsey
SB 402-Rupp	SB 442-Silvey
SB 403-Rupp	SB 443-Silvey
SB 404-Munzlinger	SB 444-Schaaf
SB 405-Sater	SB 445-Wasson
SB 406-Wallingford	SB 446-Brown
SB 407-Wallingford	SB 447-Brown
SB 408-Emery	SB 448-Schmitt and Keaveny
SB 409-Keaveny	SB 449-Romine
SB 410-Kehoe	SB 450-Justus
SB 411-Kehoe	SB 451-Justus
SB 412-Kehoe	SB 452-Justus
SB 413-Wasson	SB 453-Cunningham
SB 414-Dixon	SB 454-Nieves
SB 415-Dixon	SB 455-Nieves
SB 416-Dixon	SB 456-Parson
SB 417-Lager	SB 457-Parson
SB 418-Lager	SB 458-Kehoe
SB 419-Lager	SB 459-Kehoe
SB 420-Lager	SB 460-Kehoe
SB 421-Walsh	SB 461-Wallingford
SB 422-Curls and LeVota	SB 462-Schaefer
SB 423-Nasheed	SB 463-Schaefer
SB 424-Nasheed	SB 464-Schaefer
SB 425-Nasheed	SB 465-Schaefer
SB 426-Nasheed	SB 466-Schaefer
SB 427-Sifton	SB 467-Schaefer
SB 428-Sifton	SB 468-Schaefer
SB 429-Chappelle-Nadal	SB 469-Chappelle-Nadal
SB 430-Chappelle-Nadal	SB 470-Rupp
SB 431-Cunningham	SB 471-Rupp
SB 432-Cunningham	SB 472-Rupp
SB 433-Lamping, et al	SB 473-Lamping and Lager
SB 434-Lamping, et al	SB 474-Lamping
SB 435-McKenna	SB 475-Lamping
SB 436-McKenna	SB 476-Lamping
SB 437-Pearce	SB 477-Lamping
SB 438-Munzlinger	SB 478-Lamping

SB 479-Dixon
SB 480-Richard
SB 481-Rupp
SB 482-Nasheed
SB 483-Nasheed
SB 484-Cunningham
SJR 17-Nieves

SJR 18-Schmitt
SJR 19-Lager
SJR 20-Curls
SJR 21-LeVota
SJR 22-Parson, et al
SJR 23-Cunningham
SJR 24-Emery

HOUSE BILLS ON SECOND READING

HCS for HJR 11 & 7
HJR 8-Solon, et al
HJR 16-McCaherty, et al
HJR 4-Neth, et al

HCS for HB 473
HCS for HB 117
HCS for HB 457

THIRD READING OF SENATE BILLS

SS for SCS for SB 29-Brown (In Fiscal
Oversight)

SENATE BILLS FOR PERFECTION

1. SB 292-Rupp
2. SB 207-Kehoe, et al, with SCS
3. SB 237-Emery
4. SB 294-Schmitt
5. SB 241-Lager, with SCS
6. SB 125-Nasheed, with SCS
7. SB 216-Silvey and Justus
8. SB 137-Sater
9. SJR 14-Schaefer, et al, with SCS
10. SB 72-Schaefer

11. SB 65-Dixon, with SCS
12. SB 116-Kraus, with SCS
13. SB 61-Keaveny, with SCA 1
14. SB 35-Wallingford
15. SB 178-Schaaf, with SCS
16. SB 186-Brown, with SCS
17. SB 230-Brown, et al
18. SB 252-Kraus
19. SB 222-Lamping
20. SB 350-Dempsey

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon

SB 48-Lamping
SJR 16-Kehoe and McKenna, with SCS & SS
for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 3/7

SB 224-Curls, et al, with SCS

SB 191-Lamping, with SCS

RESOLUTIONS

To be Referred

SCR 13-Brown
HCR 7-Pfautsch, et al

HCR 9-Curtman, et al

✓

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY—WEDNESDAY, MARCH 13, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If we really want to pray, we have to give time to learning its lessons.” (Mother Mary Clare)

Gracious God, in the midst of this time called Lent we are particularly mindful of the time in prayer we ought to spend with You. But let us, Lord, not only take the time to pray that is needed but let us discover ourselves as we truly are before You in our prayers and be able to mature and deepen our relationship with You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 489, regarding Madison Bledsoe, Mount Vernon, which was adopted.

Senator Sater offered Senate Resolution No. 490, regarding Stacy Bradley, Mount Vernon, which was adopted.

Senator Sater offered Senate Resolution No. 491, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Carter, Longview, which was adopted.

Senator Sater offered Senate Resolution No. 492, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Henson, Pierce City, which was adopted.

Senator Sater offered Senate Resolution No. 493, regarding Patrick L. Prewitt, which was adopted.

Senator Dixon offered Senate Resolution No. 494, regarding Patricia Flanagan, which was adopted.

Senator Schaaf offered Senate Resolution No. 495, regarding Andrea Hall, St. Joseph, which was adopted.

Senator Richard offered Senate Resolution No. 496, regarding Glenna Wallace, Seneca, which was adopted.

Senator Pearce offered Senate Resolution No. 497, regarding Alex Higginbotham, which was adopted.

Senator Pearce offered Senate Resolution No. 498, regarding the Ninetieth Birthday of Alta Jean Damron, Warrensburg, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Noelle C. Collins, Democrat, 7450 Overbrook Drive, Saint Louis, Saint Louis County, Missouri 63121, as a member of the Missouri Women's Council, for a term ending December 6, 2014, and until her successor is duly appointed and qualified; vice, Christine J. Bierman, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert E. George, Republican, 1662 South Porter Avenue, Aurora, Lawrence County, Missouri 65605, as a member of the Public Defender Commission, for a term ending March 11, 2019, and until his successor is duly appointed and qualified; vice, Leonard M. Miller, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Boyd Harris, Republican, 19510 North Drew Road, Centralia, Boone County, Missouri 65240, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2014, and until his successor is duly appointed and qualified; vice, Boyd Harris, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sara Catherine Michael, Independent, 2008 Honeysuckle Lane, Jefferson City, Cole County, Missouri 65109, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2014, and until her successor is duly appointed and qualified; vice, Greg L. Roberts, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth M. Pierson, 17806 County Road 320, Norborne, Carroll County, Missouri 64668, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2016, and until her successor is duly appointed and qualified; vice, Elizabeth M. Pierson, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael C. Rader, 1004 West 125th Terrace, Kansas City, Jackson County, Missouri 64145, as a member of the Kansas City Board of Police Commissioners, for a term ending March 11, 2017, and until his successor is duly appointed and qualified; vice, Patrick A. McInerney, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathleen Tofall, 9806 Green Park Road, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Sentencing and Corrections Oversight Commission, for a term ending March 11, 2016, and until her successor is duly appointed and qualified; vice, RSMo 217.147.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

At the request of Senator Rupp, **SB 292** was placed on the Informal Calendar.

SB 207, with **SCS**, was placed on the Informal Calendar.

Senator Emery moved that **SB 237** be taken up for perfection, which motion prevailed.

On motion of Senator Emery, **SB 237** was declared perfected and ordered printed.

Senator Schmitt moved that **SB 294** be taken up for perfection, which motion prevailed.

On motion of Senator Schmitt, **SB 294** was declared perfected and ordered printed.

SB 241, with **SCS**, was placed on the Informal Calendar.

Senator Nasheed moved that **SB 125**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 125**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 125

An Act to repeal sections 161.092, 168.221, and 168.291, RSMo, and to enact in lieu thereof two new sections relating to duties of boards of education.

Was taken up.

Senator Nasheed moved that **SCS** for **SB 125** be adopted.

Senator Nasheed offered **SS** for **SCS** for **SB 125**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 125

An Act to repeal sections 168.221 and 168.291, RSMo, and to enact in lieu thereof one new section relating to employment of school personnel in the metropolitan school district.

Senator Pearce assumed the Chair.

Senator Schmitt assumed the Chair.

Senator Nasheed moved that **SS** for **SCS** for **SB 125** be adopted.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 1, In the Title, Lines 4-5 of said title, by striking all of said lines and inserting in lieu thereof the following: “duties of boards of education.”; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

“161.092. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed

necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071;

(9) Classify the public schools of the state, subject to limitations provided by law **and subdivision (14) of this section**, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification, with such requirements taking effect not less than two years from the date of adoption of the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law;

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include:

(a) A statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught;

(b) A statement of the number of teachers employed, their sex, their professional training, and their average salary;

(c) A statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed;

(d) Suggestions for the improvement of public schools; and

(e) Any other information relative to the educational interests of the state that the law requires or the board deems important;

(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;

(12) Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

(13) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

(14) Promulgate rules under which the board shall classify the public schools of the state. Said rules shall include but not be limited to the standards, appropriate scoring guides, forms, instruments, and procedures used in determining the accreditation status of a district. The board shall make classification and accreditation determinations consistent with said rules, and shall not deviate from said rules without properly promulgating such rules pursuant to the provisions of chapter 536;

(15) Have other powers and duties prescribed by law.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed moved that **SS** for **SCS** for **SB 125**, as amended, be adopted, which motion prevailed.

On motion of Senator Nasheed, **SS** for **SCS** for **SB 125**, as amended, was declared perfected and ordered printed.

Senator Silvey moved that **SB 216** be taken up for perfection, which motion prevailed.

On motion of Senator Silvey, **SB 216** was declared perfected and ordered printed.

Senator Sater moved that **SB 137** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Sater, **SB 137** was declared perfected and ordered printed.

Senator Kehoe requested unanimous consent of the Senate to withdraw **SB 459**, which request was granted.

REFERRALS

President Pro Tem Dempsey referred **SCR 13**; **HCR 7**; and **HCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 237** and **SB 294**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 409**, entitled:

An Act to repeal sections 290.210 and 290.262, RSMo, and to enact in lieu thereof two new sections relating to prevailing wages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 20, 15 and 19**, entitled:

An Act to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo,

and to enact in lieu thereof eight new sections relating to certain benevolent tax credits, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 64**, entitled:

An Act to repeal section 130.028 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 130.028 as enacted by conference committee substitute for house committee substitute for senate bill no. 650, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to labor organizations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 10** and **25**.

Bill ordered enrolled.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 393—Judiciary and Civil and Criminal Jurisprudence.

SB 394—Jobs, Economic Development and Local Government.

SB 395—Financial and Governmental Organizations and Elections.

SB 396—Commerce, Consumer Protection, Energy and the Environment.

SB 397—Veterans' Affairs and Health.

SB 398—Ways and Means.

SB 399—Veterans' Affairs and Health.

SB 400—Commerce, Consumer Protection, Energy and the Environment.

SB 401—Small Business, Insurance and Industry.

SB 402—Small Business, Insurance and Industry.

SB 403—Small Business, Insurance and Industry.

SB 404—Transportation and Infrastructure.

SB 405—Financial and Governmental Organizations and Elections.

SB 406—Small Business, Insurance and Industry.

SB 407—Ways and Means.

SB 408—Education.

SB 409—Judiciary and Civil and Criminal Jurisprudence.

SB 410—Education.

SB 411—Transportation and Infrastructure.

SB 412—General Laws.

SB 413—Veterans’ Affairs and Health.

SB 414—Judiciary and Civil and Criminal Jurisprudence.

SB 415—Ways and Means.

SB 416—Commerce, Consumer Protection, Energy and the Environment.

SB 417—Commerce, Consumer Protection, Energy and the Environment.

SB 418—Commerce, Consumer Protection, Energy and the Environment.

SB 419—Transportation and Infrastructure.

SB 420—Commerce, Consumer Protection, Energy and the Environment.

SB 421—Veterans’ Affairs and Health.

SB 422—Transportation and Infrastructure.

SB 423—Jobs, Economic Development and Local Government.

SB 424—Judiciary and Civil and Criminal Jurisprudence.

SB 425—Judiciary and Civil and Criminal Jurisprudence.

SB 426—Education.

SB 427—Education.

SB 428—Judiciary and Civil and Criminal Jurisprudence.

SB 429—Ways and Means.

SB 430—Seniors, Families and Pensions.

SB 431—Governmental Accountability and Fiscal Oversight.

SB 432—Small Business, Insurance and Industry.

SB 433—Rules, Joint Rules, Resolutions and Ethics.

SB 434—Rules, Joint Rules, Resolutions and Ethics.

SB 435—Financial and Governmental Organizations and Elections.

SB 436—Jobs, Economic Development and Local Government.

SB 437—Education.

SB 438—Agriculture, Food Production and Outdoor Resources.

SB 439—Commerce, Consumer Protection, Energy and the Environment.

SB 440—Judiciary and Civil and Criminal Jurisprudence.

SB 441—Ways and Means.

SB 442—Jobs, Economic Development and Local Government.

SB 443—Judiciary and Civil and Criminal Jurisprudence.

SB 444—Veterans' Affairs and Health.

SB 445—Small Business, Insurance and Industry.

SB 446—Jobs, Economic Development and Local Government.

SB 447—Ways and Means.

SB 448—Judiciary and Civil and Criminal Jurisprudence.

SB 449—Ways and Means.

SB 450—Education.

SB 451—Judiciary and Civil and Criminal Jurisprudence.

SB 452—Judiciary and Civil and Criminal Jurisprudence.

SB 453—Veterans' Affairs and Health.

SB 454—Jobs, Economic Development and Local Government.

SB 455—Financial and Governmental Organizations and Elections.

SB 456—Appropriations.

SB 457—Governmental Accountability and Fiscal Oversight.

SB 458—Small Business, Insurance and Industry.

SB 460—Transportation and Infrastructure.

SB 461—Ways and Means.

SB 462—Judiciary and Civil and Criminal Jurisprudence.

SB 463—Jobs, Economic Development and Local Government.

SB 464—Appropriations.

SB 465—Appropriations.

SB 466—General Laws.

SB 467—General Laws.

SB 468—Ways and Means.

SB 469—General Laws.

SB 470—Rules, Joint Rules, Resolutions and Ethics.

SB 471—Governmental Accountability and Fiscal Oversight.

SB 472—Governmental Accountability and Fiscal Oversight.

SB 473—Small Business, Insurance and Industry.

SB 474—Education.

SB 475—Seniors, Families and Pensions.

SB 476—Seniors, Families and Pensions.

SB 477—Seniors, Families and Pensions.

SB 478—Governmental Accountability and Fiscal Oversight.

SB 479—Small Business, Insurance and Industry.

SB 480—Veterans' Affairs and Health.

SB 481—Commerce, Consumer Protection, Energy and the Environment.

SB 482—Judiciary and Civil and Criminal Jurisprudence.

SB 483—Education.

SB 484—Transportation and Infrastructure.

SJR 17—General Laws.

SJR 18—Rules, Joint Rules, Resolutions and Ethics.

SJR 19—Rules, Joint Rules, Resolutions and Ethics.

SJR 20—Jobs, Economic Development and Local Government.

SJR 21—Transportation and Infrastructure.

SJR 22—Agriculture, Food Production and Outdoor Resources.

HOUSE BILLS ON SECOND READING

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

HCS for **HJR**s **11** and **7**—Agriculture, Food Production and Outdoor Resources.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

SENATE HEARING SCHEDULE
97th GENERAL ASSEMBLY
FIRST REGULAR SESSION
March 13, 2013

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer) Transportation and Infrastructure SCR 1 (Kehoe)	
8:15 a.m.		Seniors, Families and Pensions SCR 1 (Lamping)		
8:30 a.m.			Gubernatorial Appointments SL (Dempsey)	Ways and Means SCR 1 (Kraus) Veterans' Affairs and Health SL (Brown)
9:00 a.m.		Progress and Development SCR 2 (Justus)		
12:00 p.m.		Small Business, Insurance and Industry SCR 1 (Rupp) Rules, Joint Rules, Resolutions and Ethics SL (Richard)	Jobs, Economic Development and Local Government SL (Schmitt) Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:30 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Nieves)	Governmental Accountability and Fiscal Oversight SCR 1 (Parson) Education SL (Pearce)	
2:00 p.m.	Financial and Governmental Organizations and Elections SL (Wasson)			
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Dixon)			

On motion of Senator Richard, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Silvey.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 125**; **SB 137**; and **SB 216**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Dixon moved that **SS** for **SCS** for **SBs 20, 15 and 19**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 20, 15 and 19**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 20, 15 and 19

An Act to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof eight new sections relating to certain benevolent tax credits, with an emergency clause.

Was taken up.

Senator Dixon moved that **HCS** for **SS** for **SCS** for **SBs 20, 15 and 19** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, **HCS** for **SS** for **SCS** for **SBs 20, 15 and 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SJR 16**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Kehoe, **SS** for **SCS** for **SJR 16** was withdrawn.Senator Kehoe offered **SS No. 2** for **SCS** for **SJR 16**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

Senator Kehoe moved that **SS No. 2** for **SCS** for **SJR 16** be adopted.

Senator Keaveny offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 16, Page 6, Section 30(e), Line 1 of said page, by inserting immediately after the word “subsection” the following: “**. At least fifteen percent of the proceeds deposited in the transportation sales tax fund shall be used and expended by the highways and transportation commission for state transportation system purposes and uses**”.

Senator Keaveny moved that the above amendment be adopted, which motion failed.

Senator Pearce assumed the Chair.

Senator Kehoe moved that **SS No. 2** for **SCS** for **SJR 16** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS No. 2** for **SCS** for **SJR 16** was declared perfected and ordered printed.

Senator Lager moved that **SB 241**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 241**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 241

An Act to amend chapter 67, RSMo, by adding thereto eight new sections relating to broadband.

Was taken up.

Senator Lager moved that **SCS** for **SB 241** be adopted.

Senator Lager offered **SS** for **SCS** for **SB 241**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 241

An Act to repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof eighteen new sections relating to infrastructure facilities deployment.

Senator Lager moved that **SS** for **SCS** for **SB 241** be adopted.

Senator Schaefer requested unanimous consent of the Senate for the Joint Committee on Legislative Research Fiscal Oversight Subcommittee to meet while the Senate is in session, which request was granted.

Senator Emery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 21, Section 67.5096, Line 3 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and further amend lines 17-18 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and further amend lines 20-21 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and further amend lines 27-28 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and

Further amend said bill, page 27, section 67.5102, line 4 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 11, Section 67.1838, Line 12, by striking the words “In any such”; and further amend lines 13 to 16 by striking all of said lines.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 28, Section 389.585, Line 9, by striking the words “this section” and inserting in lieu thereof the following: “**sections 389.585 to 389.591**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 28, Section 67.5104, Line 6 of said page, by inserting immediately after the word “provider” the following: “**or municipal utility pole owner**”; and further amend line 8 of said page, by inserting immediately after the word “court” the following: “**if that entity believes the rates, terms, and conditions are not fair, just, and reasonable**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 27, Section 67.5102, Line 20 of said page, by inserting immediately after all of said line the following:

“67.5103. Notwithstanding any provision of sections 67.5090 through 67.5102, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner to lease or sell property for the construction of a new wireless support structure or collocation of a wireless facility.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 19, Section 67.5094, Line 21, by deleting the word “unreasonable” on said line; and

Further amend said bill, page 19, line 25 by adding at the end of said line the following: “if such regulations or obligations are unreasonable.”; and

Further amend said bill, page 26, line 8, section 67.5102, by adding at the end of said line the following:

“if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SS** for **SCS** for **SB 241**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SCS** for **SB 241**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SJR 16**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 10** and **25** and **HCS** for **SS** for **SCS** for **SBs 20, 15** and **19**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS No. 2** for **SCS** for **SJR 16** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SBs 10** and **25** and **HCS** for **SS** for **SCS** for **SBs 20, 15** and **19**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 499, regarding Richard Jury, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 500, regarding Darian Blake Murphy, Jefferson City, which was adopted.

Senator Nieves offered Senate Resolution No. 501, regarding Ryan David Zink, Chesterfield, which was adopted.

Senator Schmitt offered Senate Resolution No. 502, regarding Bill Puricelli, Crestwood, which was adopted.

Senator Lamping offered Senate Resolution No. 503, regarding Laura Michelle Weis, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 504, regarding Meghan Eileen Shrewsbury, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 505, regarding Corinne Elise Davis, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 506, regarding Nikki Kristine Ownby, Chesterfield, which was adopted.

Senator Lamping offered Senate Resolution No. 507, regarding Alexis Brittany Cross, St. Louis, which was adopted.

Senator Silvey offered Senate Resolution No. 508, regarding Sierra Sheppard, which was adopted.

Senator Lamping offered Senate Resolution No. 509, regarding Carolyn Elizabeth Beard, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 510, regarding Ashley Nicole Banze, Wentzville, which was adopted.

Senator Lamping offered Senate Resolution No. 511, regarding Emily Reu Moss, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 512, regarding Karen Marie Argent, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 513, regarding Madison Claire Berviller, Wentzville, which was adopted.

Senator Lamping offered Senate Resolution No. 514, regarding Mary Carmel Baker, Chesterfield, which

was adopted.

Senator Lamping offered Senate Resolution No. 515, regarding Katherine Marie Hermsmeier, Chesterfield, which was adopted.

Senator Pearce offered Senate Resolution No. 516, regarding the University of Central Missouri speech and debate program, which was adopted.

Senator Dempsey offered Senate Resolution No. 517, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Robert Weber, St. Peters, which was adopted.

Senator Emery offered Senate Resolution No. 518, regarding the Eightieth Birthday of Jean Louise Hull, Pleasant Hill, which was adopted.

Senator Wasson offered Senate Resolution No. 519, regarding Donna Schudy, Springfield, which was adopted.

Senator Wasson offered Senate Resolution No. 520, regarding Logan Christopher Kampa, which was adopted.

Senator Kehoe offered Senate Resolution No. 521, regarding the United Way of Central Missouri, which was adopted.

Senator Silvey offered Senate Resolution No. 522, regarding Ben Mays, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Jim Pierce, Kari Maag, Stacey Park and Marcie Bennett, St. Joseph.

Senator Parson introduced to the Senate, Mrs. Meehan, Jane Grindley and thirty fourth and eighth grade students from Pettis County R-12, Sedalia.

Senator Silvey introduced to the Senate, Shawn and Stacy Williamson and their children, Ana and Aftyn, Kansas City; and Ana and Aftyn were made honorary pages.

Senator Rupp introduced to the Senate, Andrew Walli, Wildwood.

Senator McKenna introduced to the Senate, Todd Mahn, De Soto.

Senator Pearce introduced to the Senate, Brad Hogan, Richmond.

Senator Brown introduced to the Senate, the Physician of the Day, Dr. Dan Schmidt, Richland.

Senator Pearce introduced to the Senate, his wife, Teresa, Warrensburg; and Brenda Martien, Jane Webb, Leo Dunham and Anna Campbell, representatives of Missouri Speech and Hearing Association.

Senator Kraus introduced to the Senate, representatives of the Eighth District from Eastern Jackson County; and Taylor and Jordan Abercrombie were made honorary pages.

On behalf of the President, Senator Schmitt introduced to the Senate, former State Senator Delbert Scott and his wife, Donna, Lowry.

Senator Rupp introduced to the Senate, Matt Plank and his daughter, Sophia, Jefferson City; and Sophia was made an honorary page.

Senator Holsman introduced to the Senate, Betty Hathhorn and her children, Ben, Emily, and Henry; and Kyra, Garrett and Kallen Webster, Kansas City.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY—THURSDAY, MARCH 14, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 23-Cunningham

SJR 24-Emery

HOUSE BILLS ON SECOND READING

HJR 8-Solon, et al

HJR 16-McCaherty, et al

HJR 4-Neth, et al

HCS for HB 473

HCS for HB 117

HCS for HB 457

HB 409-Love and Remole

HB 64-Burlison, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 29-Brown
(In Fiscal Oversight)

SB 237-Emery

SB 294-Schmitt

SS for SCS for SB 125-Nasheed

SB 137-Sater

SB 216-Silvey and Justus

SS#2 for SCS for SJR 16-Kehoe
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SJR 14-Schaefer, et al, with SCS

2. SB 72-Schaefer

3. SB 65-Dixon, with SCS

4. SB 116-Kraus, with SCS

5. SB 61-Keaveny, with SCA 1

6. SB 35-Wallingford

7. SB 178-Schaaf, with SCS

8. SB 186-Brown, with SCS

9. SB 230-Brown, et al

10. SB 252-Kraus

11. SB 222-Lamping

12. SB 350-Dempsey

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 48-Lamping

SB 207-Kehoe, et al, with SCS

SB 292-Rupp

CONSENT CALENDAR

Senate Bills

Reported 3/7

SB 224-Curls, et al, with SCS

SB 191-Lamping, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—THURSDAY, MARCH 14, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God has called us to share in his creative power and our desire is an element in the creation of the world of tomorrow.” (J.H. Oldham)

We praise You, O God, that as we finish our work this day we will have time to be in the creative power of recreation. May it be a time of rejuvenation of mind, body and spirit spending time with our family and with You, our God. And may we truly enjoy the gift of life and love as You have given it to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wallingford offered Senate Resolution No. 523, regarding Drs. Bert J. and Mary Ann

Kellerman, Cape Girardeau, which was adopted.

Senator Cunningham offered Senate Resolution No. 524, regarding Cody Jenkins, Ava, which was adopted.

Senator Cunningham offered Senate Resolution No. 525, regarding Darrel and Audean Watson, Nobel, which was adopted.

Senator Justus offered Senate Resolution No. 526, regarding Gregory L. Duckett, Holts Summit, which was adopted.

Senator Silvey offered Senate Resolution No. 527, regarding the One Hundredth Anniversary of North Kansas City School District, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SJR 16** and **SS** for **SCS** for **SB 29**, begs leave to report that it has considered the same and recommends that the joint resolution and the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

Was taken up.

Senator Lager assumed the Chair.

Senator Schaefer moved that **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
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Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SBs 10** and **25** and **HCS** for **SS** for **SCS** for **SBs 20, 15** and **19**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 29**, introduced by Senator Brown, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

Was taken up.

On motion of Senator Brown, **SS** for **SCS** for **SB 29** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Walsh—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 237, introduced by Senator Emery, entitled:

An Act to repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

Was taken up.

On motion of Senator Emery, **SB 237** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 294, introduced by Senator Schmitt, entitled:

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commission intervention in certain legal proceedings.

Was taken up.

On motion of Senator Schmitt, **SB 294** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla

McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 125, introduced by Senator Nasheed, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 125

An Act to repeal sections 161.092, 168.221 and 168.291, RSMo, and to enact in lieu thereof two new sections relating to duties of boards of education.

Was taken up.

On motion of Senator Nasheed, **SS for SCS for SB 125** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Wasson—33							

NAYS—Senator Walsh—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Schaaf moved that motion lay on the table, which motion prevailed.

SB 137, introduced by Senator Sater, entitled:

An Act to repeal section 50.622, RSMo, and to enact in lieu thereof one new section relating to procedures for counties to decrease their budgets.

Was taken up.

On motion of Senator Sater, **SB 137** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 216, introduced by Senators Silvey and Justus, entitled:

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity.

Was taken up by Senator Silvey.

On motion of Senator Silvey, **SB 216** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SJR 16**, introduced by Senator Kehoe, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

Was taken up.

On motion of Senator Kehoe, **SS No. 2** for **SCS** for **SJR 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed	Parson	Pearce
Richard	Romine	Rupp	Sifton	Silvey	Wallingford	Walsh	Wasson—24

NAYS—Senators

Brown	Emery	Kraus	Lager	Lamping	Nieves	Sater	Schaaf
Schaefer	Schmitt—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Kehoe, title to the joint resolution was agreed to.

Senator Kehoe moved that the vote by which the joint resolution passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 224, with **SCS**, introduced by Senators Curls, Justus and Holsman, entitled:

An Act to repeal sections 84.480, 84.490, and 84.510, RSMo, and to enact in lieu thereof three new sections relating to the Kansas City police department.

Was called from the Consent Calendar and taken up by Senator Curls.

SCS for **SB 224**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 224

An Act to repeal sections 84.480, 84.490, and 84.510, RSMo, and to enact in lieu thereof three new sections relating to the Kansas City police department.

Was taken up.

Senator Curls moved that **SCS** for **SB 224** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **SB 224** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 191, with **SCS**, introduced by Senator Lamping, entitled:

An Act to repeal sections 386.170 and 386.180, RSMo, and to enact in lieu thereof two new sections relating to the public service commission.

Was called from the Consent Calendar and taken up.

SCS for **SB 191**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 191

An Act to repeal sections 386.170 and 386.180, RSMo, and to enact in lieu thereof two new sections

relating to the forms of publication issued by the public service commission.

Was taken up.

Senator Lamping moved that **SCS** for **SB 191** be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **SB 191** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 262**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred

SB 287, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 324**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 248**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 257**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 83**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 112**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 55**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 265**, begs leave to report

that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 329**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 82**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 304**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which

was referred **SB 305**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 330**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 370**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 235**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which were referred **SB 289** and **SB 314**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 170**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 142**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 126**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 188**, begs leave to report that it has considered the same and recommends that the bill do pass

and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 245**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 327**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator Silvey submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 261**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 229**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 87**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 376**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 241**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Robert E. George as a member of the Public Defender Commission, submitted to you on March 13, 2013. Lines 3 and 4 should be amended to read:

March 11, 2019, and until his successor is duly appointed and qualified; vice, Miller M. Leonard, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above addendum to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 16**.

HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, women have served honorably and with courage in all of America's wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force of over 14% women who are currently serving on active duty, and nearly 17% serving in the Reserves and National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, and will comprise more than 10% of the veteran population; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs (VA) is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, and women are living longer than men and have a younger age distribution compared to male veterans; and

WHEREAS, even though the VA has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military today and returning from deployments as seasoned veterans, and some with exposure to combat, VA facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, they deserve to be acknowledged for their military service and treated with equal respect:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby encourages the Missouri Veterans Commission and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the State of Missouri to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials may work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within this state; and

BE IT FURTHER RESOLVED that the Missouri General Assembly formally honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed

copy of this resolution for the Missouri Veterans Commission.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 19**.

HOUSE CONCURRENT RESOLUTION NO. 19

WHEREAS, the United States relies - and will continue to rely for many years - on gasoline, diesel, and jet fuel, as well as renewable and alternative sources of energy; and

WHEREAS, in order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

WHEREAS, the United States accounts for 20% of world energy consumption and is the world's largest petroleum consumer. The United States consumes more than 15 million barrels of oil each day, with forecast suggesting that this will not change for decades; and

WHEREAS, even with new technology, oil discoveries, alternative fuels, and conservation efforts, the United States will remain dependent on imported energy for decades to come. A secure supply of crude oil is not only needed for Americans to continue to heat their homes, cook their food, and drive their vehicles, but to allow the United States economy to thrive and grow free from the potential threats and disruptions of crude oil supply from less secure parts of the world; and

WHEREAS, the growing production of conflict-free oil from Canada's oil sands and the Bakken formation in Saskatchewan, Montana, North Dakota, and South Dakota can replace crude imported from countries that do not share American values, but additional pipeline capacity to refineries in the United States Midwest and Gulf Coast is required; and

WHEREAS, increasing energy imports from Canada makes sense for the United States. Canada is a trusted neighbor with a stable democratic government, strong environmental standards equal to that of the United States, and some of the most stringent human rights and worker protection laws in the world; and

WHEREAS, improvements in production technology have reduced the carbon footprint of Canadian oil sands development by 26% on a per barrel basis since 1990. Oil sands production accounts for 6.9% of Canada's greenhouse gas (GHG) emissions and 0.1% (1/100th) of global GHG emissions. Total emissions from Canada's oil sands sector was 48 megatons in 2010, equivalent to 0.5% of United States GHG emissions. Oil sands crude has similar CO₂ emissions to other heavy oils and is 6% more carbon-intensive than the average crude refined in the United States on a wells-to-wheels basis; and

WHEREAS, the 57 refineries in the Gulf Coast region provide a total refining capacity of approximately 8.7 million barrels per day (bpd), or half of United States refining capacity. In 2011, these refineries imported approximately 5 million bpd of crude oil from more than 30 countries, with the top four suppliers being Mexico (22%), Saudi Arabia (17%), Venezuela (16%), and Nigeria (9%). Imports from Mexico and Venezuela are declining as production from those countries decreases and supply contracts expire. Once completed, TransCanada's Keystone XL Pipeline and Gulf Coast Expansion projects could displace roughly 40% of the oil the United States currently imports from the Persian Gulf and Venezuela; and

WHEREAS, the Keystone XL Pipeline project has been subject to the most thorough public consultation process of any proposed United States pipeline, and the subject of multiple environmental impacts statements and several United States Department of State studies which have concluded that it poses the least impact to the environment and is much safer than other modes of transporting crude oil; and

WHEREAS, the original Keystone Pipeline, which spans across the northern part of Missouri, supplies over 500,000 barrels of North American crude oil to American refiners in the Midwest. When completed, the Keystone XL Pipeline will carry 830,000 barrels of North American crude oil to American refineries in the Gulf Coast region which will make its way back to Missouri in the form of gasoline, diesel, and jet fuel; and

WHEREAS, the Keystone XL Pipeline project will create approximately 9,000 construction jobs. The Gulf Coast Expansion project is a \$2.3 billion project that has created approximately 4,000 construction jobs. Combined, these projects support yet another 7,000 manufacturing jobs. 75% of the pipe used to build the Keystone XL Pipeline in the United States will come from North American mills, including half made by United States workers. Goods for the pipeline valued at approximately \$800 million have already been sourced from United States

manufacturers:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby strongly:

- (1) Support continued and increased development and delivery of oil derived from North American oil reserves to United States refineries;
- (2) Urge the United States Congress to support continued and increased development and delivery of oil from Canada to the United States;
- (3) Urge the President of the United States to support the continued and increased importation of oil derived from the Bakken formation in Montana, North Dakota, and South Dakota, as well as Canadian oil sands;
- (4) Urge the United States Secretary of State to approve the newly routed pipeline application from TransCanada to reduce dependence on unstable governments, create new jobs, improve our national security, and strengthen ties with an important ally; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro Tem of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 85**, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to emergency utility response permits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 233**, entitled:

An Act to repeal sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, and 476.515, RSMo, and to enact in lieu thereof twenty-five new sections relating to the administration of state employee benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Brown offered Senate Resolution No. 528, regarding Jason Midyett, Salem, which was adopted.

Senator Kehoe offered Senate Resolution No. 529, regarding Ron Rackers, Jefferson City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Rupp introduced to the Senate, Julie Perry and her children, Jenna and Will, St. Charles; and Jenna and Will were made honorary pages.

On behalf of Senator Lager, the President introduced to the Senate, the Physician of the Day, Dr. Sally Bomar, M.D., her husband, Steve Hull, and their daughter, Tara, Maryville.

On motion of Senator Richard, the Senate adjourned until 10:00 a.m., Friday, March 22, 2013.

SENATE CALENDAR

THIRTY-SEVENTH DAY—FRIDAY, MARCH 22, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 23-Cunningham

SJR 24-Emery

HOUSE BILLS ON SECOND READING

HJR 8-Solon, et al

HJR 16-McCaherty, et al

HJR 4-Neth, et al

HCS for HB 473

HCS for HB 117

HCS for HB 457

HB 409-Love and Remole

HB 64-Burlison, et al

HB 85-Kelley (127), et al

HCS for HB 233

THIRD READING OF SENATE BILLS

SS for SCS for SB 241-Lager

SENATE BILLS FOR PERFECTION

1. SJR 14-Schaefer, et al, with SCS

2. SB 72-Schaefer

3. SB 65-Dixon, with SCS

4. SB 116-Kraus, with SCS

5. SB 61-Keaveny, with SCA 1

6. SB 35-Wallingford

7. SB 178-Schaaf, with SCS

8. SB 186-Brown, with SCS

9. SB 230-Brown, et al

10. SB 252-Kraus

11. SB 222-Lamping

12. SB 350-Dempsey

13. SB 147-Wasson, with SCS

14. SB 161-Pearce

15. SB 262-Curls

16. SB 211-Rupp

- | | |
|----------------------------------|------------------------------|
| 17. SB 258-LeVota, with SCS | 24. SB 82-Schaefer, with SCS |
| 18. SB 242-Kehoe | 25. SB 254-Pearce, with SCS |
| 19. SB 257-Silvey and Justus | 26. SB 142-Sifton |
| 20. SB 83-Parson, with SCS | 27. SB 126-Sater, with SCS |
| 21. SB 112-Rupp and Richard | 28. SB 261-Rupp |
| 22. SB 265-Nieves and Cunningham | 29. SB 229-Brown, with SCS |
| 23. SB 2-Rupp, with SCS | 30. SB 87-Schaaf, with SCS |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)	SB 48-Lamping
SB 13-Schaefer, with SCS	SB 207-Kehoe, et al, with SCS
SB 21-Dixon	SB 292-Rupp
SB 22-Dixon	

CONSENT CALENDAR

Senate Bills

Reported 3/14

SB 287-Rupp, with SCS	SB 330-Wasson
SB 324-Wallingford, with SCS	SB 370-Wasson
SB 248-Wasson, with SCS	SB 235-Cunningham
SB 329-Brown	SBs 289 & 314-Sifton, with SCS
SB 342-Parson, et al	SB 170-Chappelle-Nadal
SB 302-Wasson, with SCS	SB 188-Romine
SB 303-Wasson	SB 245-Justus
SB 304-Wasson	SB 327-Dixon
SB 305-Wasson, with SCS	SB 66-Dixon
SB 306-Wasson	SB 376-Sater, with SCS

RESOLUTIONS

To be Referred

HCR 16-Walton Gray, et al

HCR 19-Rowden, et al

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—FRIDAY, MARCH 22, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

RESOLUTIONS

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 530, regarding Meah Wilburn, which was adopted.

On behalf of Senator Keaveny, Senator Kehoe offered Senate Resolution No. 531, regarding Dr. Dennis K. Boman, Saint Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 532, regarding Joseph L. Kuensting, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 533, regarding Gary A. Kuensting, Jefferson City, which was adopted.

On behalf of Senator Schmitt, Senator Kehoe offered Senate Resolution No. 534, regarding Taylor Siebert, which was adopted.

On behalf of Senator Schmitt, Senator Kehoe offered Senate Resolution No. 535, regarding Haley Sindel, which was adopted.

On behalf of Senator Sifton, Senator Kehoe offered Senate Resolution No. 536, regarding Mike Walsh, which was adopted.

On behalf of Senator Sifton, Senator Kehoe offered Senate Resolution No. 537, regarding Dorothy Jarvis-Kellett, which was adopted.

On behalf of Senator Sifton, Senator Kehoe offered Senate Resolution No. 538, regarding David D. Szatkowski, Crestwood, which was adopted.

On behalf of Senator LeVota, Senator Kehoe offered Senate Resolution No. 539, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elzie Berry, Tightwad, which was adopted.

On behalf of Senator Parson, Senator Kehoe offered Senate Resolution No. 540, regarding Casteel Kirk, Urbana, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 541, regarding the

Missouri Association of Osteopathic Physicians and Surgeons, which was adopted.

On behalf of Senator Cunningham, Senator Kehoe offered Senate Resolution No. 542, regarding W.T. “Ted” Scheets, Houston, which was adopted.

On behalf of Senator Cunningham, Senator Kehoe offered Senate Resolution No. 543, regarding Katelynn Smith, Seymour, which was adopted.

Senator Kehoe offered Senate Resolution No. 544, regarding Kevin B. Douglas, Wardsville, which was adopted.

Senator Kehoe offered Senate Resolution No. 545, regarding Diane Braun, Jefferson City, which was adopted.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, March 25, 2013.

SENATE CALENDAR

THIRTY-EIGHTH DAY—MONDAY, MARCH 25, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 23-Cunningham

SJR 24-Emery

HOUSE BILLS ON SECOND READING

HJR 8-Solon, et al

HJR 16-McCaherty, et al

HJR 4-Neth, et al

HCS for HB 473

HCS for HB 117

HCS for HB 457

HB 409-Love and Remole

HB 64-Burlison, et al

HB 85-Kelley (127), et al

HCS for HB 233

THIRD READING OF SENATE BILLS

SS for SCS for SB 241-Lager

SENATE BILLS FOR PERFECTION

1. SJR 14-Schaefer, et al, with SCS

2. SB 72-Schaefer

3. SB 65-Dixon, with SCS

4. SB 116-Kraus, with SCS

5. SB 61-Keaveny, with SCA 1

6. SB 35-Wallingford

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|-----------------------------|----------------------------------|
| 7. SB 178-Schaaf, with SCS | 19. SB 257-Silvey and Justus |
| 8. SB 186-Brown, with SCS | 20. SB 83-Parson, with SCS |
| 9. SB 230-Brown, et al | 21. SB 112-Rupp and Richard |
| 10. SB 252-Kraus | 22. SB 265-Nieves and Cunningham |
| 11. SB 222-Lamping | 23. SB 2-Rupp, with SCS |
| 12. SB 350-Dempsey | 24. SB 82-Schaefer, with SCS |
| 13. SB 147-Wasson, with SCS | 25. SB 254-Pearce, with SCS |
| 14. SB 161-Pearce | 26. SB 142-Sifton |
| 15. SB 262-Curls | 27. SB 126-Sater, with SCS |
| 16. SB 211-Rupp | 28. SB 261-Rupp |
| 17. SB 258-LeVota, with SCS | 29. SB 229-Brown, with SCS |
| 18. SB 242-Kehoe | 30. SB 87-Schaaf, with SCS |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS (Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)	SB 48-Lamping
SB 13-Schaefer, with SCS	SB 207-Kehoe, et al, with SCS
SB 21-Dixon	SB 292-Rupp
SB 22-Dixon	

CONSENT CALENDAR

Senate Bills

Reported 3/14

SB 287-Rupp, with SCS	SB 330-Wasson
SB 324-Wallingford, with SCS	SB 370-Wasson
SB 248-Wasson, with SCS	SB 235-Cunningham
SB 329-Brown	SBs 289 & 314-Sifton, with SCS
SB 342-Parson, et al	SB 170-Chappelle-Nadal
SB 302-Wasson, with SCS	SB 188-Romine
SB 303-Wasson	SB 245-Justus
SB 304-Wasson	SB 327-Dixon
SB 305-Wasson, with SCS	SB 66-Dixon
SB 306-Wasson	SB 376-Sater, with SCS

RESOLUTIONS

To be Referred

HCR 16-Walton Gray, et al

SCR 19-Rowden, et al

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY—MONDAY, MARCH 25, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Give thanks to the Lord, for he is good: his mercy endures forever.” (Psalm 118:1)

We do give You thanks and praise, O Lord, for our Spring Break that we have had and now return refreshed, refashioned and ready to do the work that is set before us. May we use the time here to be about the work that You would have us do. So guide and direct our days so our time is used effectively and is helpful for the people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 14, 2013 and Friday, March 22, 2013 were read and approved.

President Kinder assumed the Chair.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Emery offered Senate Resolution No. 546, regarding Dakota A. Saylor, which was adopted.

Senator Schmitt offered Senate Resolution No. 547, regarding the Ninetieth Birthday of Michael Weiss, Creve Coeur, which was adopted.

Senator Schmitt offered Senate Resolution No. 548, regarding Michael Paul Klussman, which was adopted.

Senator Munzlinger offered Senate Resolution No. 549, regarding Robert E. and Mona M. Brown, Louisiana, which was adopted.

Senator Brown offered Senate Resolution No. 550, regarding Walmart Transportation, Saint James, which was adopted.

Senator Lamping offered Senate Resolution No. 551, regarding Jeremy Stuart Craft, which was adopted.

Senator Lamping offered Senate Resolution No. 552, regarding Adam Donovan Michael Craft, which was adopted.

Senator Lamping offered Senate Resolution No. 553, regarding Alexander Nicholas Craft, which was adopted.

Senator Lamping offered Senate Resolution No. 554, regarding the Seventy-fifth Anniversary of the March of Dimes, which was adopted.

Senator Lager offered Senate Resolution No. 555, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Buster Newberry, Parnell, which was adopted.

Senator Lager offered Senate Resolution No. 556, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roger Heck, Maitland, which was adopted.

Senator Lamping offered Senate Resolution No. 557, regarding Herbert W. Young, Overland, which was adopted.

THIRD READING OF SENATE BILLS

SS for SCS for SB 241, introduced by Senator Lager, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 241

An Act to repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof nineteen new sections relating to infrastructure facilities deployment.

Was taken up.

On motion of Senator Lager, **SS for SCS for SB 241** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna

Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senator Dempsey—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Schaefer, **SJR 14**, with **SCS**, was placed on the Informal Calendar.

Senator Schaefer moved that **SB 72** be taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Schaefer, **SB 72** was declared perfected and ordered printed.

At the request of Senator Dixon, **SB 65**, with **SCS**, was placed on the Informal Calendar.

Senator Kraus moved that **SB 116**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 116**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 116

An Act to repeal sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof twenty-six new sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions.

Was taken up.

Senator Kraus moved that **SCS** for **SB 116** be adopted.

Senator Kraus offered **SS** for **SCS** for **SB 116**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 116

An Act to repeal sections 115.139, 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, 115.292, 115.425, 115.541, and 115.585, RSMo, and to enact in lieu thereof thirty new

sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions.

Senator Kraus moved that **SS** for **SCS** for **SB 116** be adopted, which motion prevailed.

On motion of Senator Kraus, **SS** for **SCS** for **SB 116** was declared perfected and ordered printed.

Senator Keaveny moved that **SB 61**, with **SCA 1**, be taken up for perfection, which motion prevailed. **SCA 1** was taken up.

Senator Keaveny moved that the above committee amendment be adopted.

At the request of Senator Keaveny, **SB 61**, with **SCA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 19, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Aimee Gromowsky, Democrat, 2306 Red Bridge Terrace, Kansas City, Jackson County, Missouri 64131, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2017, and until her successor is duly appointed and qualified; vice, Stephen R. Bough, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 19, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James Mintert, 30 Wynnston Woods Court, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2016, and until his successor is duly appointed and qualified; vice, John P. Tvrdik, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 19, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John J. Sheehan, 3138 Williamsburg Way, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State Board of

Accountancy, for a term ending July 1, 2017, and until his successor is duly appointed and qualified; vice, Venable M. Houts, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 72**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **HCR 16** and **HCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Dempsey referred **HB 55**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Curls introduced to the Senate, Bob Kendrick, Kansas City.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-NINTH DAY—TUESDAY, MARCH 26, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 23-Cunningham

SJR 24-Emery

HOUSE BILLS ON SECOND READING

HJR 8-Solon, et al

HJR 16-McCaherty, et al

HJR 4-Neth, et al
HCS for HB 473
HCS for HB 117
HCS for HB 457

HB 409-Love and Remole
HB 64-Burlison, et al
HB 85-Kelley (127), et al
HCS for HB 233

THIRD READING OF SENATE BILLS

SB 72-Schaefer

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------|----------------------------------|
| 1. SB 35-Wallingford | 14. SB 257-Silvey and Justus |
| 2. SB 178-Schaaf, with SCS | 15. SB 83-Parson, with SCS |
| 3. SB 186-Brown, with SCS | 16. SB 112-Rupp and Richard |
| 4. SB 230-Brown, et al | 17. SB 265-Nieves and Cunningham |
| 5. SB 252-Kraus | 18. SB 2-Rupp, with SCS |
| 6. SB 222-Lamping | 19. SB 82-Schaefer, with SCS |
| 7. SB 350-Dempsey | 20. SB 254-Pearce, with SCS |
| 8. SB 147-Wasson, with SCS | 21. SB 142-Sifton |
| 9. SB 161-Pearce | 22. SB 126-Sater, with SCS |
| 10. SB 262-Curls | 23. SB 261-Rupp |
| 11. SB 211-Rupp | 24. SB 229-Brown, with SCS |
| 12. SB 258-LeVota, with SCS | 25. SB 87-Schaaf, with SCS |
| 13. SB 242-Kehoe | |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|-------------------------------------|
| SB 3-Rupp, with SA 1 (pending) | SB 61-Keaveny, with SCA 1 (pending) |
| SB 13-Schaefer, with SCS | SB 65-Dixon, with SCS |
| SB 21-Dixon | SB 207-Kehoe, et al, with SCS |
| SB 22-Dixon | SB 292-Rupp |
| SB 48-Lamping | SJR 14-Schaefer, et al, with SCS |

CONSENT CALENDAR

Senate Bills

Reported 3/14

SB 287-Rupp, with SCS
SB 324-Wallingford, with SCS
SB 248-Wasson, with SCS
SB 329-Brown
SB 342-Parson, et al
SB 302-Wasson, with SCS
SB 303-Wasson
SB 304-Wasson
SB 305-Wasson, with SCS
SB 306-Wasson

SB 330-Wasson
SB 370-Wasson
SB 235-Cunningham
SBs 289 & 314-Sifton, with SCS
SB 170-Chappelle-Nadal
SB 188-Romine
SB 245-Justus
SB 327-Dixon
SB 66-Dixon
SB 376-Sater, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 26, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord, give them the ability to work for what is necessary to keep the peace and let them exercise care, lest their laws become impossible burdens.” (Martin Luther’s legislative prayer)

Almighty God, we pray that You will help these men and women to fashion and shape laws that will encourage the people to live in harmony and may they create legislation that provides governing with strength and power tempered by justice. Inspire them with wisdom to write laws with integrity that promotes goodwill among all citizens. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 558, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard “Rick” Roberts, Agency, which was adopted.

Senator Schaaf offered Senate Resolution No. 559, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Kendall, St. Joseph, which was adopted.

Senator Schaefer offered Senate Resolution No. 560, regarding Nicolas T. Moser, which was adopted.

Senator Sater offered Senate Resolution No. 561, regarding Jean Cantwell, Branson, which was adopted.

Senator Sater offered Senate Resolution No. 562, regarding Ruth Whitley, which was adopted.

Senator Sater offered Senate Resolution No. 563, regarding Alex Cullins, which was adopted.

Senator Sater offered Senate Resolution No. 564, regarding the 2012-2013 state champion Crane High School girls basketball program, which was adopted.

Senator Sater offered Senate Resolution No. 565, regarding Travis Ely Brown, Anderson, which was adopted.

Senator Sater offered Senate Resolution No. 566, regarding the One Hundredth Anniversary of the Powersite Post Office, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 116**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Kehoe assumed the Chair.

THIRD READING OF SENATE BILLS

SB 72, introduced by Senator Schaefer, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of motorcycle awareness month.

Was taken up.

On motion of Senator Schaefer, **SB 72** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schaefer moved that **SJR 14**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SJR 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 14

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right of Missouri citizens to keep and bear arms.

Was taken up.

Senator Schaefer moved that **SCS** for **SJR 14** be adopted.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 14, Page 1, Section 23, Line 7, by inserting at the end of said line the following: “**Nothing in this section shall be construed to prevent the regulation or prohibition of the use of firearms in criminal activity.**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion failed.

At the request of Senator Schaefer, **SJR 14**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaaf.

Senator Richard announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

SENATE BILLS FOR PERFECTION

Senator Schaefer moved that **SJR 14**, with **SCS** (pending), be called from the Informal Calendar and

again taken up for perfection, which motion prevailed.

SCS for **SJR 14** was again taken up.

Senator Schaefer moved that **SCS** for **SJR 14** be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

On motion of Senator Schaefer, **SCS** for **SJR 14** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 26, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John W. Maupin, Republican, 567 North Spoede Road, Creve Coeur, Saint Louis County, Missouri 63141, as a member and Secretary of the St. Louis County Board of Election Commissioners, for a term ending January 10, 2017, and until his successor is duly appointed and qualified; vice, Julie Jones, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 342**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 303**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 304**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 370**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 170**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 245**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 327**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SCS** for **SB 116** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 567, regarding Thomas J. Ackfeld, High Ridge, which was adopted.

Senator McKenna offered Senate Resolution No. 568, regarding Chris and Linda Hagan, Festus, which was adopted.

Senator Justus offered Senate Resolution No. 569, regarding the National Churchill Museum, Fulton, which was adopted.

Senator Justus offered Senate Resolution No. 570, regarding Corrections Officer I George Worley, which was adopted.

Senator Cunningham offered Senate Resolution No. 571, regarding Herbert L. "Dock" Frazee, Mountain Grove, which was adopted.

Senator Cunningham offered Senate Resolution No. 572, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Neal Collins, Dora, which was adopted.

Senator Brown offered Senate Resolution No. 573, regarding Paula Volkmer, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 574, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Hollingsworth, Gravois Mills, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, President Chuck Ambrose and Hank Setser, representatives of University of Central Missouri, Warrensburg.

Senator Pearce introduced to the Senate, Mayor Justin W. Stephan, Appleton City; Taylor Elwell, Leeton; and former State Representative Gene Lang, Warrensburg.

Senator Holsman introduced to the Senate, Andrea Flinders, Kansas City.

Senator Kehoe introduced to the Senate, National American Missouri Miss, Kelsey Parrott, Jamestown.

Senator Dixon introduced to the Senate, President Paige Oxendine and forty-one students, representatives of Missouri State University Student Government Association, Springfield.

On behalf of Senators Sifton, Cunningham, Richard and himself, Senator Dixon introduced to the Senate, Lauren Bansbach, Amber Carr, Anthony Hendrix and Scott Turk, Citizen Scholar Award Recipients from Missouri State University, Springfield.

On behalf of Senator Libla and himself, Senator Wallingford introduced to the Senate, Gary Murphy, BJ Campbell, Alex Clark, Chris Berry, Sonny Martin and Tiffany Puritt, representatives of Missouri Rice Council.

Senator Emery introduced to the Senate, National American Miss Missouri Teen, Samantha Bowers, Harrisonville.

Senator Cunningham introduced to the Senate, National American Miss Missouri Princess, Katelynn Smith, Seymour.

Senator Brown introduced to the Senate, National American Miss Missouri Junior Teen, Sydne Arthur, Rolla; and National American Miss Missouri Junior Pre-Teen, Sofia Kelly, Cuba.

On behalf of Senator Kehoe, the President introduced to the Senate, Ms. Rachel Muenks, Ms. Brenda Raymer, parents and forty-five fourth grade students from St. Peter's Interparish Elementary School, Jefferson City.

Senator Wallingford introduced to the Senate, Ethan McMillan and his parents, Heather and Brian, Cape Girardeau; and Ethan was made an honorary page.

Senator Munzlinger introduced to the Senate, Colton DeVore and his family, Clarence.

Senator Schmitt introduced to the Senate, Shawn and Rachel McKillop and their daughter, Kiera and Caroline Depue, Valley Park; and Tom and Diane Lawrence, Ballwin; and Kiera was made an honorary page.

Senator Kraus introduced to the Senate, Stuart Quackenbush and his son, Archimedes, Eastern Jackson County, and Archimedes was made an honorary page.

On behalf of Senator Schaaf, the President introduced to the Senate, Dick and Wanda Anderson, DeKalb.

Senator Brown introduced to the Senate, Boy Scout Troop 434 and Club Scout Pack 434, Rolla and St. James.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY—WEDNESDAY, MARCH 27, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 23-Cunningham

SJR 24-Emery

HOUSE BILLS ON SECOND READING

HJR 8-Solon, et al
HJR 16-McCaherty, et al
HJR 4-Neth, et al
HCS for HB 473
HCS for HB 117

HCS for HB 457
HB 409-Love and Remole
HB 64-Burlison, et al
HB 85-Kelley (127), et al
HCS for HB 233

THIRD READING OF SENATE BILLS

SS for SCS for SB 116-Kraus
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 35-Wallingford
2. SB 178-Schaaf, with SCS
3. SB 186-Brown, with SCS
4. SB 230-Brown, et al
5. SB 252-Kraus
6. SB 222-Lamping
7. SB 350-Dempsey
8. SB 147-Wasson, with SCS
9. SB 161-Pearce
10. SB 262-Curls
11. SB 211-Rupp
12. SB 258-LeVota, with SCS
13. SB 242-Kehoe

14. SB 257-Silvey and Justus
15. SB 83-Parson, with SCS
16. SB 112-Rupp and Richard
17. SB 265-Nieves and Cunningham
18. SB 2-Rupp, with SCS
19. SB 82-Schaefer, with SCS
20. SB 254-Pearce, with SCS
21. SB 142-Sifton
22. SB 126-Sater, with SCS
23. SB 261-Rupp
24. SB 229-Brown, with SCS
25. SB 87-Schaaf, with SCS

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon
SB 48-Lamping

SB 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS
SB 207-Kehoe, et al, with SCS
SB 292-Rupp

CONSENT CALENDAR

Senate Bills

Reported 3/14

SB 287-Rupp, with SCS
SB 324-Wallingford, with SCS
SB 248-Wasson, with SCS
SB 329-Brown
SB 302-Wasson, with SCS
SB 305-Wasson, with SCS
SB 306-Wasson

SB 330-Wasson
SB 235-Cunningham
SBs 289 & 314-Sifton, with SCS
SB 188-Romine
SB 66-Dixon
SB 376-Sater, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 27, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let the days speak, and many years teach wisdom. But it is the spirit in a man, the breath of the Almighty, that makes him understand.”
(Job 32:7-8)

Help us, O Lord, to always be open to Your teachings and make ourselves available to learn Your Word. We pray for Your constant presence, and Your never failing grace that never fails us. And when it is hard for us to persist, Your spirit will prompt us to keep us on the path that makes good things happen. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 575, regarding Barb Griffith, Saint Charles, which was

adopted.

Senator Nieves offered Senate Resolution No. 576, regarding Taylor Marie Mueller, Wildwood, which was adopted.

Senator Nieves offered Senate Resolution No. 577, regarding Joseph Leo Mueller, Wildwood, which was adopted.

Senator Nieves offered Senate Resolution No. 578, regarding Brittani Danielle Jones, Wildwood, which was adopted.

CONCURRENT RESOLUTIONS

Senator Keaveny offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, the state of Missouri has executed 353 people since becoming a state, and 47 more currently sit on death row; and

WHEREAS, a team assembled by the American Bar Association, in its review of the death penalty in Missouri, found the state in compliance with only 9 out of 95 best practices to ensure that innocent people are not executed; and

WHEREAS, several people have been wrongfully convicted of murder in the state because of eyewitness misidentification, false confessions, and untruthful jailhouse informant testimony; and

WHEREAS, other states, including Illinois in 2011, have abolished the death penalty and noted the significant number of people on death row who were later found innocent; and

WHEREAS, the state's deputy public defender has testified that abolishing the death penalty would alleviate attorney shortages within the state's public defender system without the need for additional appropriations because staff members currently assigned to capital cases could be reassigned to other divisions; and

WHEREAS, death penalty cases cost the underfunded Missouri state public defender system 7 to 10 times more to defend than other murder cases; and

WHEREAS, a comparison of the costs of death penalty cases to other murder cases in the state of Kansas found that costs of adjudicating the death penalty cases exceeded the costs of other homicide cases by 70 percent; and

WHEREAS, a study in Florida determined the state would save \$51 million each year if it abolished the death penalty; and

WHEREAS, the death penalty has been ranked by a national survey of police chiefs as the least effective tool for reducing violent crime and eighty-eight percent of criminologists have found the death penalty does not curtail incidents of murder; and

WHEREAS, a comprehensive study of the costs of the death penalty is necessary to determine how much this ineffective public policy is costing the state of Missouri in these times of significant budgetary shortages; and

WHEREAS, Section 23.170, RSMo, requires the Oversight Division of the Committee on Legislative Research to conduct audits as directed by any concurrent resolution duly adopted by the General Assembly:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby direct the Oversight Division of the Committee on Legislative Research to study the costs, both direct and indirect, born by county and state governments in the prosecution and defense of at least ten cases filed on or after January 1, 1990, in which a death sentence was sought and was imposed and compare such costs to the costs of an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was not sought and the defendant was sentenced to life without the possibility for parole, and an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was sought, but the defendant was sentenced to life without the possibility for parole at the conclusion of a sentencing phase. The comparison shall include, as estimated by the Oversight Division to be related to the cases, the costs of staff salaries, benefits, contracts for assistance, and operating expenses for: the attorney general's office; the department of corrections, including costs related to housing inmates sentenced to death and carrying out the death penalty; prosecuting and circuit attorneys, including expenses in preparing for the presentation of aggravating and mitigating circumstances with respect to sentencing proceedings in death penalty cases, expert witness fees, and additional investigations; the Missouri state public defender system; and the supreme court, courts of appeals, and circuit courts; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution to the Oversight Division of the Committee on Legislative Research.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SJR 14**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Wallingford moved that **SB 35** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Wallingford, **SB 35** was declared perfected and ordered printed.

Senator Schaaf moved that **SB 178**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 178**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 178

An Act to repeal section 630.175, RSMo, and to enact in lieu thereof one new section relating to mental health facility safety provisions.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 178** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 178, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to mental health facilities.”; and

Further amend page 1, Section A, line 2, by inserting after all of said line the following:

“56.700. 1. The prosecuting attorney in each county of the second, third, or fourth class, **or any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants**, which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, **or the University of Missouri**, may employ an assistant prosecuting attorney to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The assistant prosecuting attorney authorized by this subsection shall be in addition to any other assistant prosecuting attorney authorized by law. The assistant prosecuting attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

2. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city

not within a county may employ an assistant county counselor or circuit attorney to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The assistant authorized by this subsection shall be in addition to any other assistants authorized by law. The assistant county counselor or circuit attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

3. The prosecuting attorney in each county of the second, third, or fourth class, **or any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants**, which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, **or the University of Missouri**, may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county, shall be paid out of the state treasury from funds appropriated for that purpose.

4. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county or city not within a county, shall be paid out of the state treasury from funds appropriated for that purpose.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf moved that **SCS** for **SB 178**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **SB 178**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 186**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 186**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186

An Act to repeal sections 194.350 and 194.360, RSMo, and to enact in lieu thereof two new sections relating to unclaimed veterans' remains.

Was taken up.

Senator Brown moved that **SCS** for **SB 186** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 186** was declared perfected and ordered printed.

Senator Brown moved that **SB 230** be taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 230** was declared perfected and ordered printed.

At the request of Senator Kraus, **SB 252** was placed on the Informal Calendar.

Senator Lamping moved that **SB 222** be taken up for perfection, which motion prevailed.

On motion of Senator Lamping, **SB 222** was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 350** was placed on the Informal Calendar.

Senator Wasson moved that **SB 147**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 147**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

Was taken up.

Senator Wasson moved that **SCS** for **SB 147** be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

On motion of Senator Wasson, **SCS** for **SB 147** was declared perfected and ordered printed.

Senator Pearce moved that **SB 161** be taken up for perfection, which motion prevailed.

On motion of Senator Pearce, **SB 161** was declared perfected and ordered printed.

Senator Curls moved that **SB 262** be taken up for perfection, which motion prevailed.

Senator Curls offered **SS** for **SB 262**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the reimbursement of covered health care services provided through telemedicine, with an effective date.

Senator Curls moved that **SS** for **SB 262** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 262, Page 1, In the Title, Line 3 of said title, by striking the word “covered”; and further amend line 4 of said title, by striking the following: “provided through telemedicine”; and further amend line 5 of said title, by inserting immediately after the word “date” the following: “for a certain section”; and

Further amend said bill, page 4, section 376.1900, line 12 of said page, by inserting immediately after said line the following:

“376.2020. 1. For purposes of this section, the following terms shall mean:

(1) “Enrollee”, shall have the same meaning ascribed to it in section 376.1350;

(2) “Health care provider”, shall have the same meaning ascribed to it in section 376.1350;

(3) “Health care service”, shall have the same meaning ascribed to it in section 376.1350;

(4) “Health carrier”, shall have the same meaning ascribed to it in section 376.1350.

2. No provision in a contract in existence or entered into, amended, or renewed on or after August 28, 2013, between a health carrier and a health care provider shall be enforceable if such contractual provision prohibits, conditions, or in any way restricts any party to such contract from disclosing to an enrollee, patient, potential patient, or such person’s parent or legal guardian, the contractual payment amount for a health care service if such payment amount is less than the health care provider’s usual charge for the health care service, and if such contractual provision prevents the determination of the potential out-of-pocket cost for the health care service by the enrollee, patient, potential patient, parent or legal guardian.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator McKenna raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

President Pro Tem Dempsey took the point of order under advisement, which placed **SB 262**, with **SS**, **SA 1** and the point of order (pending) on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 191** and **182**, entitled:

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to the Missouri Angel Investment Incentive Act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 222**, entitled:

An Act to amend chapters 67 and 144, RSMo, by adding thereto two new sections relating to tax incentives for technology business facilities and data storage centers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 35**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SJR 14** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 211** be taken up for perfection, which motion prevailed.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 211, Page 2, Section 167.803, Line 16, by inserting immediately after the word “by” the following: “**a**”; and

Further amend said bill and section, page 3, line 58, by inserting immediately after the word “a” the following: “**charter**”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 211, Page 3, Section 167.803, Line 68, by inserting at the end of said line the following: “**Coordination, delegation, and supervision of care shall be performed by a school nurse or other qualified health care professional.**”; and

Further amend said bill, page 5, section 167.815, line 1, by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 2, by striking the following: “, and the diabetes”; and further amend lines 3-10, by striking all of said lines and inserting in lieu thereof the following: “**If the school does not have a full-time nurse or does not have a trained diabetes care professional, the parents of the student may agree with the district to send the student to another school within the district that has a full-time nurse or trained diabetes care professional. Nothing in this section shall exceed or conflict with the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.**”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Parson offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 211, Page 6, Section 167.824, Line 13, by inserting after all of said section and line, the following:

“Section 1. The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete forty hours of basic school resource officer training to include legal operations within an educational environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job and functions of a school resource officer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Senator Parson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rupp, **SB 211**, as amended, was declared perfected and ordered printed.

Senator Curls moved that **SB 262**, with **SS**, **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator McKenna, the point of order was withdrawn.

SA 1 was again taken up.

Senator Schaaf moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Emery, Justus, Lamping and Schaefer.

Senator Schaaf offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 262, Page 1, Section 376.2020, Line 20, by striking the words “in existence or”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Schaaf moved that the above amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Brown	Emery	Holsman	Kehoe	Kraus	Lager	Lamping	Nieves
Parson	Richard	Schaaf	Schaefer—12				

NAYS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Justus	Keaveny	LeVota
Libla	McKenna	Munzlinger	Nasheed	Pearce	Romine	Rupp	Sater
Schmitt	Sifton	Silvey	Wallingford	Wasson—21			

Absent—Senator Walsh—1

Absent with leave—Senators—None

Vacancies—None

Senator Curls moved that **SS** for **SB 262** be adopted, which motion prevailed.

On motion of Senator Curls, **SS** for **SB 262** was declared perfected and ordered printed.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

Senator Dempsey moved that **SB 350** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kraus assumed the Chair.

On motion of Senator Dempsey, **SB 350** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 128**, entitled:

An Act to repeal sections 52.230 and 52.240, RSMo, and to enact in lieu thereof two new sections relating to property tax bills.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 133**, entitled:

An Act to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 212**, entitled:

An Act to repeal sections 400.4A-108, 400.9-102, 400.9-307, 400.9-316, 400.9-317, 400.9-326, 400.9-406, 400.9-408, 400.9-502, 400.9-503, 400.9-515, 400.9-516, 400.9-518, and 400.2A-103, RSMo, and to enact in lieu thereof twenty-three new sections relating to secured transactions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 329**, entitled:

An Act to repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan violations reporting, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 163**, entitled:

An Act to repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 349**, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to license plates for property-carrying commercial motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 184**, entitled:

An Act to repeal section 67.1010, RSMo, and to enact in lieu thereof one new section relating to the Pettis county transient guest tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 196**, entitled:

An Act to repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof nine new sections relating to job training programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 301**, entitled:

An Act to repeal section 632.498, RSMo, and to enact in lieu thereof one new section relating to civil

commitment of sexually violent predators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 307**, entitled:

An Act to repeal section 321.015, RSMo, and to enact in lieu thereof one new section relating to fire protection districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 312**, entitled:

An Act to repeal sections 174.700, 174.703, 174.706, and 544.157, RSMo, and to enact in lieu thereof six new sections relating to college or university police officers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 401**, entitled:

An Act to amend chapter 186, RSMo, by adding thereto one new section relating to the Missouri Advisory Boards and Commissions Association.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 412**, entitled:

An Act to repeal section 348.521, RSMo, and to enact in lieu thereof one new section relating to agricultural loan guarantees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 432**, entitled:

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to the

public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 542**, entitled:

An Act to repeal section 196.311, RSMo, and to enact in lieu thereof one new section relating to eggs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 586**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to rodeos.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 591**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 68**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of pancreatic cancer awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 142**, entitled:

An Act to repeal section 393.1075, RSMo, and to enact in lieu thereof one new section relating to utilities, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 159**, entitled:

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to school district residency for children of certain military members, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 346**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for dental services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 262**; **SB 211**; **SB 230**; **SB 222**; **SCS** for **SB 186**; **SCS** for **SB 178**; **SB 161**; and **SCS** for **SB 147**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 579, regarding Madison Harper, Springfield, which was adopted.

Senator LeVota offered Senate Resolution No. 580, regarding Leslie Cole, Raytown, which was adopted.

Senator Lamping offered Senate Resolution No. 581, regarding Brigitte Barnhart, which was adopted.

Senator Lamping offered Senate Resolution No. 582, regarding Christian Edward Wiese, which was adopted.

Senator Dixon offered Senate Resolution No. 583, regarding Anne Spence, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, April Gramenz, Preston Moore, Christina Parle, Marie

Unterreiner, Kyle Shell, Alex Lindenbosch, Brad Banowertz, Kelli Miller, Joe Volz, Cecelia Britz, Lucas Pauley, Shari Bax, Katie Weber and Beth Rutt, representatives of University of Central Missouri Student Government Association, Warrensburg.

Senator Munzlinger introduced to the Senate, Dr. Rex Lee and Dr. Justin Puckett, Kirksville.

Senator Schaaf introduced to the Senate, Mike Deering, Columbia.

Senator Dempsey introduced to the Senate, Landen Scott, Columbia; and Landen was made an honorary page.

Senator Walsh introduced to the Senate, Jasonee Foster and her son Jeffrey Foster, III, St. Louis; and Jeffrey was made an honorary page.

Senator Lamping introduced to the Senate, Mayor Keith Krieg and Gigi Mahley, Frontenac; and Gigi was made an honorary page.

Senator Lamping introduced to the Senate, State Director Mary Elizabeth Grimes, Missouri March of Dimes, St. Louis.

Senator Schmitt introduced to the Senate, Maya Rideout, Fenton; and Maya was made an honorary page.

Senator Wallingford introduced to the Senate, Kelly Potter and her sons, Mike and Nick; and Christy Johnson and her son, Josh, Piedmont.

Senator Holsman introduced to the Senate, Aimee Gromowsky and Jackson County Legislator Theresa Garza Ruiz, Kansas City.

Senator Kehoe introduced to the Senate, Missouri State Trucking Association 2012 Drivers of the Month: Steven Fields, Danny Womack, Remy Braun, Jerry Pate, Daniel Willett, Ron Hoover, Glen Horack, Thomas Miller, Henry Grider, Michael Dye, Todd Bogatzke and Darwin Campbell; and Maintenance Honorees: Stacy Bradley, Don Smith, Rick Busse, Madison Bledsoe and Cody Jenkins.

Senator Dempsey introduced to the Senate, Arturo Latimer, St. Charles.

Senator Brown introduced to the Senate, former State Senator Dr. James Noland, Osage Beach.

Senator Dempsey introduced to the Senate, President Bob Gough and representatives of the State Pachyderm Club.

Senator Wallingford introduced to the Senate, Holly Lintner, Jim Roche and Brian Bollmann, Jackson; and Ryan Conway, St. Charles.

Senator Keaveny introduced to the Senate, Mayor Francis Slay, St. Louis.

Senator Sifton introduced to the Senate, Elise Herwig, St. Louis.

Senator Chappelle-Nadal introduced to the Senate, representatives of Hispanic Day.

Senator Rupp introduced to the Senate, his children, Noelle, Scottie, Hayley and Christian, Wentzville; and Noelle, Scottie, Hayley and Christian were made honorary pages.

Senator Nasheed introduced to the Senate, Martin Baker, St. Louis.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY—THURSDAY, MARCH 28, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 23-Cunningham

SJR 24-Emery

HOUSE BILLS ON SECOND READING

HJR 8-Solon, et al

HJR 16-McCaherty, et al

HJR 4-Neth, et al

HCS for HB 473

HCS for HB 117

HCS for HB 457

HB 409-Love and Remole

HB 64-Burlison, et al

HB 85-Kelley (127), et al

HCS for HB 233

HCS for HBs 191 & 182

HCS for HB 222

HCS for HB 128

HB 133-Gosen, et al

HB 212-Cox, et al

HB 329-Dugger and Crawford

HB 163-Fitzpatrick and Dugger

HCS for HB 349

HB 184-Cox, et al

HB 196-Lauer, et al

HB 301-Engler

HB 307-Riddle, et al

HCS for HB 312

HCS for HB 401

HB 412-Reiboldt, et al

HB 432-Funderburk, et al

HB 542-Love, et al

HCS for HB 586

HB 591-Hubbard, et al

HB 68-Kelley (127), et al

HB 142-Dugger

HCS for HB 159

HB 346-Molendorp

THIRD READING OF SENATE BILLS

1. SS for SCS for SB 116-Kraus

(In Fiscal Oversight)

2. SCS for SJR 14-Schaefer, et al

(In Fiscal Oversight)

3. SB 35-Wallingford

4. SS for SB 262-Curls

5. SB 211-Rupp

6. SB 230-Brown, et al

7. SB 222-Lamping

8. SCS for SB 186-Brown

9. SCS for SB 178-Schaaf
10. SB 161-Pearce

11. SCS for SB 147-Wasson

SENATE BILLS FOR PERFECTION

1. SB 258-LeVota, with SCS
2. SB 242-Kehoe
3. SB 257-Silvey and Justus
4. SB 83-Parson, with SCS
5. SB 112-Rupp and Richard
6. SB 265-Nieves and Cunningham
7. SB 2-Rupp, with SCS

8. SB 82-Schaefer, with SCS
9. SB 254-Pearce, with SCS
10. SB 142-Sifton
11. SB 126-Sater, with SCS
12. SB 261-Rupp
13. SB 229-Brown, with SCS
14. SB 87-Schaaf, with SCS

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon
SB 48-Lamping

SB 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS
SB 207-Kehoe, et al, with SCS
SB 252-Kraus
SB 292-Rupp

CONSENT CALENDAR

Senate Bills

Reported 3/14

SB 287-Rupp, with SCS
SB 324-Wallingford, with SCS
SB 248-Wasson, with SCS
SB 329-Brown

SB 302-Wasson, with SCS
SB 305-Wasson, with SCS
SB 306-Wasson
SB 330-Wasson

SB 235-Cunningham

SBs 289 & 314-Sifton, with SCS

SB 188-Romine

SB 66-Dixon

SB 376-Sater, with SCS

RESOLUTIONS

To be Referred

SCR 14-Keaveny

✓

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY—THURSDAY, MARCH 28, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“My soul will be satisfied as with the richest of foods; with singing lips my mouth will praise you.” (Psalm 63:5)

Heavenly Father, as we finish our business here we will have time to reflect on what these three holy days mean to many Americans and to us. We hear and are prepared to celebrate Your promise of victory over death and the hope that springs forth in our souls. We thank You for the time to witness to this joy we receive daily from Your gracious hand. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Dempsey assumed the Chair.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 584, regarding Dennis J. Hancock, Fenton, which was adopted.

Senator Kehoe offered Senate Resolution No. 585, regarding Dylan Roach, Jefferson City, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 14** and has taken up and passed **SCS** for **HCS** for **HB 14**.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

At the request of Senator LeVota, **SB 258**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 242** was placed on the Informal Calendar.

At the request of Senator Silvey, **SB 257** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 55**, with **SCS**, and **SS** for **SCS** for **SB 116**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 350**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 116**, introduced by Senator Kraus, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 116

An Act to repeal sections 115.139, 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283,

115.287, 115.291, 115.292, 115.425, 115.541, and 115.585, RSMo, and to enact in lieu thereof thirty new sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions.

Was taken up.

On motion of Senator Kraus, **SS** for **SCS** for **SB 116** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Kehoe assumed the Chair.

SB 35, introduced by Senator Wallingford, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the designation of tax refunds to certain funds.

Was taken up.

On motion of Senator Wallingford, **SB 35** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SB 262, introduced by Senator Curls, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the reimbursement of covered health care services provided through telemedicine, with an effective date.

Was taken up.

On motion of Senator Curls, **SS for SB 262** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 211, introduced by Senator Rupp, entitled:

An Act to amend chapter 167, RSMo, by adding thereto ten new sections relating to the management of diabetes in elementary and secondary schools.

Was taken up.

On motion of Senator Rupp, **SB 211** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 230, introduced by Senator Brown, et al, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

Was taken up.

On motion of Senator Brown, **SB 230** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 222, introduced by Senator Lamping, entitled:

An Act to repeal sections 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, and 527.290, RSMo, and to enact in lieu thereof nineteen new sections relating to domestic violence, with existing penalty provisions.

Was taken up.

On motion of Senator Lamping, **SB 222** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 186**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186

An Act to repeal sections 194.350 and 194.360, RSMo, and to enact in lieu thereof two new sections relating to unclaimed veterans' remains.

Was taken up by Senator Brown.

On motion of Senator Brown, **SCS** for **SB 186** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine

Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 178**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 178

An Act to repeal sections 56.700 and 630.175, RSMo, and to enact in lieu thereof two new sections relating to mental health facilities.

Was taken up by Senator Schaaf.

On motion of Senator Schaaf, **SCS** for **SB 178** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 161, introduced by Senator Pearce, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to an actuarial analysis to study the cost impact of mandating health insurance coverage for eating disorders.

Was taken up.

On motion of Senator Pearce, **SB 161** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators

Kraus Richard—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 147**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SB 147** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 287, with **SCS**, introduced by Senator Rupp, entitled:

An Act to repeal sections 379.1300, 379.1306, 379.1310, 379.1312, and 379.1326, RSMo, and to enact in lieu thereof six new sections relating to captive insurance companies.

Was called from the Consent Calendar and taken up.

SCS for **SB 287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal sections 379.1300, 379.1306, 379.1310, 379.1312, and 379.1326, RSMo, and to enact in lieu thereof six new sections relating to captive insurance companies.

Was taken up.

Senator Rupp moved that **SCS** for **SB 287** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 287** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 324, with **SCS**, introduced by Senator Wallingford, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to limited lines travel insurance producer licensing.

Was called from the Consent Calendar and taken up.

SCS for **SB 324**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 324

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to limited lines travel insurance producer licensing.

Was taken up.

Senator Wallingford moved that **SCS** for **SB 324** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS** for **SB 324** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senator Nieves—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 248, with **SCS**, introduced by Senator Wasson, entitled:

An Act to repeal section 67.457, RSMo, and to enact in lieu thereof one new section relating to notice of neighborhood improvement districts.

Was called from the Consent Calendar and taken up.

SCS for **SB 248**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 248

An Act to repeal section 67.457, RSMo, and to enact in lieu thereof one new section relating to notice of neighborhood improvement districts.

Was taken up.

Senator Wasson moved that **SCS** for **SB 248** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 248** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 329, introduced by Senator Brown, entitled:

An Act to repeal section 196.311, RSMo, and to enact in lieu thereof one new section relating to eggs.

Was called from the Consent Calendar and taken up.

On motion of Senator Brown, **SB 329** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators

Emery	Nieves—2
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 302, with **SCS**, introduced by Senator Wasson, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to emergency prescription refills.

Was called from the Consent Calendar and taken up.

SCS for **SB 302**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 302

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to emergency prescription refills.

Was taken up.

Senator Wasson moved that **SCS** for **SB 302** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 302** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 305, with **SCS**, introduced by Senator Wasson, entitled:

An Act to repeal section 334.040, RSMo, and to enact in lieu thereof one new section relating to examination requirements for physicians.

Was called from the Consent Calendar and taken up.

SCS for **SB 305**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 305

An Act to repeal section 334.040, RSMo, and to enact in lieu thereof one new section relating to examination requirements for physicians.

Was taken up.

Senator Wasson moved that **SCS** for **SB 305** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 305** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 306, introduced by Senator Wasson, entitled:

An Act to repeal section 338.150, RSMo, and to enact in lieu thereof one new section relating to pharmaceutical testing by the board of pharmacy.

Was called from the Consent Calendar and taken up.

Senator Schaaf assumed the Chair.

On motion of Senator Wasson, **SB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 330, introduced by Senator Wasson, entitled:

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice arrangements between a physician and an advanced practice registered nurse.

Was called from the Consent Calendar and taken up.

On motion of Senator Wasson, **SB 330** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 235, introduced by Senator Cunningham, entitled:

An Act to repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan reporting.

Was called from the Consent Calendar and taken up.

On motion of Senator Cunningham, **SB 235** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 289, introduced by Senator Sifton and **SB 314**, introduced by Senator Wallingford, with **SCS**, entitled respectively:

An Act to repeal section 324.024, RSMo, and to enact in lieu thereof one new section relating to professional applications containing Social Security numbers.

An Act to repeal section 324.024, RSMo, and to enact in lieu thereof one new section relating to professional applications containing Social Security numbers.

Were called from the Consent Calendar and taken up by Senator Sifton.

SCS for **SBs 289** and **314**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 289 and 314

An Act to repeal section 324.024, RSMo, and to enact in lieu thereof one new section relating to professional applications containing Social Security numbers.

Was taken up.

Senator Sifton moved that **SCS** for **SBs 289** and **314** be adopted, which motion prevailed.

On motion of Senator Sifton, **SCS** for **SBs 289** and **314** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 188, introduced by Senator Romine, entitled:

An Act to repeal section 632.498, RSMo, and to enact in lieu thereof one new section relating to petitions for conditional release of sexually violent predators.

Was called from the Consent Calendar and taken up.

On motion of Senator Romine, **SB 188** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 66, introduced by Senator Dixon, entitled:

An Act to repeal sections 21.800, 21.830, 21.910, 301.129, 620.602, and 630.461, RSMo, relating to the repeal of certain committees.

Was called from the Consent Calendar and taken up.

On motion of Senator Dixon, **SB 66** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Sifton—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 376, with **SCS**, introduced by Senator Sater, entitled:

An Act to repeal section 206.110, RSMo, and to enact in lieu thereof one new section relating to the powers of hospital districts.

Was called from the Consent Calendar and taken up.

SCS for **SB 376**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 376

An Act to repeal section 206.110, RSMo, and to enact in lieu thereof one new section relating to the

powers of hospital districts.

Was taken up.

Senator Sater moved that **SCS** for **SB 376** be adopted, which motion prevailed.

On motion of Senator Sater, **SCS** for **SB 376** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John Allen Collier, Republican, as a member of the University of Central Missouri Board of Governors;

Also,

Derek E. Williams, as a member of the Missouri State Foster Care and Adoption Board;

Also,

Carolyn R. Mahoney, Democrat, as a member of the Coordinating Board for Higher Education;

Also,

Donna L. Birks, Democrat, as a member of the Missouri Commission on Human Rights; and

Brian McIntyre, as a member of the Missouri State Board of Chiropractic Examiners.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 364**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 297**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 381**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 67**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 99**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 239**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 272**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 267**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 342**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 373**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 304**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 170**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 118**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 251**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 327**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 245**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 231**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 226**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, Senator Richard submitted the following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 366**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 205**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 256**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Senator Schaaf assumed the Chair.

SECOND READING OF SENATE BILLS

The following Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SJR 23—Financial and Governmental Organizations and Elections.

SJR 24—Ways and Means.

HOUSE BILLS ON SECOND READING

The following Joint Resolutions and Bills were read the 2nd time and referred to the Committees indicated:

HJR 8—Veterans' Affairs and Health.

HJR 16—Judiciary and Civil and Criminal Jurisprudence.

HJR 4—Rules, Joint Rules, Resolutions and Ethics.

HCS for HB 473—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 117—Financial and Governmental Organizations and Elections.

HCS for HB 457—Judiciary and Civil and Criminal Jurisprudence.

HB 409—Small Business, Insurance and Industry.

HB 64—Governmental Accountability and Fiscal Oversight.

HB 85—Transportation and Infrastructure.

HCS for HB 233—Seniors, Families and Pensions.

REFERRALS

President Pro Tem Dempsey referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 112**, entitled:

An Act to repeal sections 1.010 and 538.210, RSMo, and to enact in lieu thereof two new sections relating to claims arising out of the rendering of or failure to render health care services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds of these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended

only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration,

Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator LeVota introduced to the Senate, Kim Kimbough and Stan Shurmantine, representatives of Independence Chamber of Commerce.

Senator Holsman introduced to the Senate, Lillian Shireman, Grandview.

Senator Wasson introduced to the Senate, Katherine Hankins and Tanner Willis, Republic; Jessica Stacy and Katie Rogers, Willard; and Tammy Lowery, Fairgrove, representatives of Farm Bureau Youth Leadership Day, Greene County.

Senator Schmitt introduced to the Senate, Abby Everhard, parents and twenty-seven fourth grade students from Twin Oaks Christian School, Ballwin.

Senator Romine introduced to the Senate, the Physician of the Day, Dr. Greg Terpstra, Potosi.

Senator Pearce introduced to the Senate, Todd Gibson and Lacey Rucker, Tina; Quincey Copple, Hale; Angie Hamilton, Norborne; and Tiffany Cooper and Victoria Lock, Carrollton, representatives of Farm Bureau Youth Leadership Day, Carroll County.

Senator Emery introduced to the Senate, Mattie Moore, Paige Kurzwert, Mark Willy, Gracyn Walter, Levi Anderson, Cody Lancaster, Taylor Hiefmann, Jason Dieckhoff and Patrick Anderson, representatives of Farm Bureau Youth Leadership Day, Cass County.

Senator Emery introduced to the Senate, Sheila and Hagen Fischer, Rich Hill; and Tyler Shaffer, Butler, representatives of Farm Bureau Youth Leadership Day, Bates County.

On behalf of Senator Kehoe, the President introduced to the Senate, Sandy Knipp, Blaise Stuedle and Jessica Petree, Tipton; Kelly Branham and Robyn Eschenbrenner, Jamestown; and William Inglish, California, representatives of Farm Bureau Youth Leadership Day, Moniteau County.

Senator Sater introduced to the Senate, Caylee Sooter, Pierce City; Jessica Youngberg, Verona; Terri Ratliff, Marionville; Rachel Kaylene Mareth, Mt. Vernon; and Ty Whittaker, Miller, representatives of Farm Bureau Youth Leadership Day.

Senator Pearce introduced to the Senate, Emma Dyer, Rachel Simmons and Cara Riekhof, Higginsville; and Jessica Evans and Kiley Williams, Alma, representatives of Farm Bureau Youth Leadership Day.

Senator Cunningham introduced to the Senate, Jon Wilson, Tanner Trivitt, Sara Jo Cunningham, Kelsie Myers and Tali Rose, Gainesville, representatives of Farm Bureau Youth Leadership Day.

Senator Wallingford introduced to the Senate, Jerry Marquis, Bollinger County; Dale Steffens, Cape Girardeau County; Dakota Long, Marble Hill; Lane Reed, Zalma; Ellie McGruder, Meadow Heights; Teagan Schnurbush, Amanda Krewson and Rachel Stueve, Jackson; and Sarah Olson, Sikeston, representatives of Farm Bureau Youth Leadership Day.

Senator Schaaf introduced to the Senate, Jason Gerke, Olivia Paden, Cody Manville and Devon Harkness, North Platte High School, representatives of Farm Bureau Youth Leadership Day.

Senator Walsh introduced to the Senate, former State Representative Ed Wildberger and his wife, Connie; and Kristan Lorenze, Councilwoman Pat Jones and students: Zach Leader, Brooklyn Jones, Braxton

Hardy and Mason Murphy; John J. Pershing Elementary, St. Joseph.

Senator Romine introduced to the Senate, Hannah Fritsche-Donze, Tori Yates, Danielle Boland, Darianne Donze and Erica Burney, representatives of Farm Bureau Youth Leadership Day, Ste. Genevieve.

Senator Schaefer introduced to the Senate, his wife, Stacia and their children, Magdalena, Wolfgang and Maximilian, Columbia.

Senator LeVota introduced to the Senate, Lester Williamson, Independence.

Senator Wallingford introduced to the Senate, Natalie Fritsche-Kasten, Levi Bachmann, Alexis Doza, Cody Hadler, Beth Heise and Grant Voelker, representatives of Farm Bureau Youth Leadership Day, Perryville.

Senator Romine introduced to the Senate, Alix Copeland, A.J. Stallins, Amanda Kirkpatrick, Bailey Allgier, Richard Brummett and Tony Harlison, Arcadia Valley Career Technical Center, Ironton.

Senator Pearce introduced to the Senate, Darren Farmer, Justin Thompson and Alex Johnson, Polo, representatives of Farm Bureau Youth Leadership Day, Caldwell County.

Senator Cunningham introduced to the Senate, RaMona Andrus, Morgan Reed, Megan Fry and Austyn Shannon, representatives of Farm Bureau Youth Leadership Day, Wright County.

Senator Schaaf introduced to the Senate, Kellen Dunn, Jefferson City; and Kellen was made an honorary page.

Senator Nieves introduced to the Senate, Bryce McDonald, Tyler Goodman, James Sappington, Sarah Kwast, Morgan Vanleer and Ashley Connor, representatives of Farm Bureau Youth Leadership Day, Franklin County.

Senator Cunningham introduced to the Senate, Amber Campbell and Sierra Roberts, Koshkonong; Dustin Shaw and Kaitlin Jones, Alton, representatives of Farm Bureau Youth Leadership Day, Oregon County.

Senator Cunningham introduced to the Senate, Mrs. Kaci Mitchell, Emma R. Wilkerson, Dalton Harris, Megan Mitchell and Brice Cramer, representatives of Farm Bureau Youth Leadership Day, Wright County.

Senator Pearce introduced to the Senate, Miss America 2008, Kirsten Haglund.

Senator Parson introduced to the Senate, Dayle Nelson, Jim Hamilton, Bailey Crouch, Kayla Gann, Wyatt Hinds, Ariel Lindsey, Collin Crouch and Stephanie Daves, representatives of Farm Bureau Youth Leadership Day, Dallas County.

On behalf of Senator Kehoe, the President introduced to the Senate, Janice Martin, Taylor Murray and Laura Thompson, Iberia; Alexis Ash and Tristen Patterson, Tuscumbia; and Brian Lehman, representatives of Farm Bureau Youth Leadership Day, Miller and Morgan County.

On behalf of Senator Kehoe, the President introduced to the Senate, Doug Ritter, Allie Foster, Emily Thompson, Megan Brockting, Sarah Fahrenholtz, Ethan Brandt and Katlyn Hoener, representatives of Farm Bureau Youth Leadership Day, Hermann High School.

Senator Pearce introduced to the Senate, Sherry Jones, Ben Burtch, Maggie Graves, Jami Loney,

Anthony Peniston, Walker Thomas and Haley Thompson, Chillicothe, representatives of Farm Bureau Youth Leadership Day, Livingston County.

On behalf of Senator Schmitt and himself, Senator Schaefer introduced to the Senate, Jean Paul Bradshaw, Kansas City.

Senator Nieves introduced to the Senate, Stacey Henderson and her daughters, Shelbie and Sloane Dallas, Home Schoolers from Union.

Senator Rupp introduced to the Senate, his daughter, Emily, Wentzville.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Tuesday, April 2, 2013.

SENATE CALENDAR

FORTY-SECOND DAY—TUESDAY, APRIL 2, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 191 & 182	HB 68-Kelley (127), et al
HCS for HB 222	HB 142-Dugger
HCS for HB 128	HCS for HB 159
HB 133-Gosen, et al	HB 346-Molendorp
HB 212-Cox, et al	HB 112-Burlison, et al
HB 329-Dugger and Crawford	HCS for HB 1
HB 163-Fitzpatrick and Dugger	HCS for HB 2
HCS for HB 349	HCS for HB 3
HB 184-Cox, et al	HCS for HB 4
HB 196-Lauer, et al	HCS for HB 5
HB 301-Engler	HCS for HB 6
HB 307-Riddle, et al	HCS for HB 7
HCS for HB 312	HCS for HB 8
HCS for HB 401	HCS for HB 9
HB 412-Reiboldt, et al	HCS for HB 10
HB 432-Funderburk, et al	HCS for HB 11
HB 542-Love, et al	HCS for HB 12
HCS for HB 586	HCS for HB 13
HB 591-Hubbard, et al	

THIRD READING OF SENATE BILLS

SCS for SJR 14-Schaefer, et al
(In Fiscal Oversight)

SB 350-Dempsey

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|--------------------------------------|
| 1. SB 83-Parson, with SCS | 21. SB 272-Nieves |
| 2. SB 112-Rupp and Richard | 22. SB 267-Nieves |
| 3. SB 265-Nieves and Cunningham | 23. SB 342-Parson, et al |
| 4. SB 2-Rupp, with SCS | 24. SB 373-Munzlinger, with SCS |
| 5. SB 82-Schaefer, with SCS | 25. SB 57-Romine |
| 6. SB 254-Pearce, with SCS | 26. SB 303-Wasson |
| 7. SB 142-Sifton | 27. SB 304-Wasson |
| 8. SB 126-Sater, with SCS | 28. SB 170-Chappelle-Nadal |
| 9. SB 261-Rupp | 29. SB 118-Kraus, with SCS |
| 10. SB 229-Brown, with SCS | 30. SB 251-Kraus and Chappelle-Nadal |
| 11. SB 87-Schaaf, with SCS | 31. SB 327-Dixon |
| 12. SB 159-Schmitt, et al, with SCS | 32. SB 245-Justus |
| 13. SB 364-Parson | 33. SB 291-Rupp |
| 14. SB 275-Walsh | 34. SB 231-Munzlinger |
| 15. SB 297-Lager, with SCS | 35. SB 226-Schaefer, with SCS |
| 16. SB 357-Romine | 36. SB 282-Wasson |
| 17. SB 381-Kraus, with SCS | 37. SB 366-Lamping, et al |
| 18. SB 67-Dixon | 38. SB 205-Sater |
| 19. SB 99-Keaveny | 39. SB 256-Silvey, with SCS |
| 20. SB 239-Emery, with SCS | |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS

SB 21-Dixon
SB 22-Dixon

SB 48-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 207-Kehoe, et al, with SCS

SB 242-Kehoe

SB 252-Kraus

SB 257-Silvey and Justus

SB 258-LeVota, with SCS

SB 292-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY—TUESDAY, APRIL 2, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is not the Lord among us?” (Micah 3:11b)

Gracious God, we seek Your presence among us and ask that we might hear Your word and live our lives in harmony with You; so we will live today as You desire and be the better for it. Help us to hear each other clearly and make effective decisions that makes today better than yesterday. And Lord we pray for Your Spirit to move among Your people to express the courage that comes from a vibrant faith. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 28, 2013 was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Dixon—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 586, regarding the Fiftieth Wedding Anniversary of Mr.

and Mrs. George Guelbert, St. Louis, which was adopted.

Senator Parson offered Senate Resolution No. 587, regarding Kelly “Travis” Inman, Sedalia, which was adopted.

Senator Schmitt offered Senate Resolution No. 588, regarding Mary Catherine “Kay” Sullivan, Glendale, which was adopted.

Senator Richard offered Senate Resolution No. 589, regarding the Missouri Alliance of Boys & Girls Clubs, which was adopted.

Senator Richard offered Senate Resolution No. 590, regarding Richard Meyers, Ph.D., which was adopted.

Senator Dempsey offered Senate Resolution No. 591, regarding Dr. Daniel G. Dozier, which was adopted.

Senator Silvey offered Senate Resolution No. 592, regarding Christopher Allen Kandlbinder, which was adopted.

Senator Silvey offered Senate Resolution No. 593, regarding Joseph Daniel Bodenheimer, Kansas City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 594, regarding Skyler Evan Thomas, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 595, regarding Kevin Joseph Noyes, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 596, regarding John “Jack” Dwiggins, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 597, regarding Jacob R. Beauchamp, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 598, regarding Grant Douglas, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 599, regarding Beth Kenney, R.N., Canton, which was adopted.

Senator Munzlinger offered Senate Resolution No. 600, regarding the 2012-2013 Class 2 state champion Salisbury High School Boys Basketball Panthers, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1—Appropriations.

HCS for HB 2—Appropriations.

HCS for HB 3—Appropriations.

HCS for HB 4—Appropriations.

HCS for HB 5—Appropriations.

HCS for HB 6—Appropriations.

HCS for HB 7—Appropriations.

HCS for HB 8—Appropriations.

HCS for HB 9—Appropriations.

HCS for HB 10—Appropriations.

HCS for HB 11—Appropriations.

HCS for HB 12—Appropriations.

HCS for HB 13—Appropriations.

SENATE BILLS FOR PERFECTION

Senator LeVota moved that **SB 258**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 258, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 258

An Act to repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof three new sections relating to the board of directors of the Kansas City school district.

Was taken up.

Senator Pearce assumed the Chair.

Senator Schmitt assumed the Chair.

Senator LeVota moved that **SCS for SB 258** be adopted, which motion prevailed.

On motion of Senator LeVota, **SCS for SB 258** was declared perfected and ordered printed.

Senator Kehoe moved that **SB 242** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Kehoe, **SB 242** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 350, introduced by Senator Dempsey, entitled:

An Act to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

Was taken up.

On motion of Senator Dempsey, **SB 350** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Emery	Kehoe	Kraus	Lager	Libla
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaefer	Schmitt	Silvey	Wallingford	Wasson—21			

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	Lamping	LeVota	McKenna
Nasheed	Schaaf	Sifton	Walsh—12				

Absent—Senators—None

Absent with leave—Senator Dixon—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTIONSenator Parson moved that **SB 83**, with **SCS**, be taken up for perfection, which motion prevailed.**SCS** for **SB 83**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 83

An Act to repeal sections 67.457, 67.463, 67.469, 67.1521, 139.160, 139.170, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof seventeen new sections relating to procedures for collecting local government funds.

Was taken up.

Senator Parson moved that **SCS** for **SB 83** be adopted.Senator Parson offered **SS** for **SCS** for **SB 83**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 83

An Act to repeal sections 52.250, 67.457, 67.463, 67.469, 67.1521, 139.160, 139.170, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof eighteen new sections relating to procedures for collecting local government funds.

Senator Parson moved that **SS** for **SCS** for **SB 83** be adopted.Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 83, Page 1, Section 52.250, Line 9, by striking the word “third class” and inserting in lieu thereof the following: “**all**”; and

Further amend said bill and section, page 2, line 2 by inserting immediately before the word “Notwithstanding” the following: “[”]; and further amend lines 5-6 by striking all the underlined language;

and further amend line 17, by inserting immediately after the number “139.031.” the following: “J”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Parson moved that **SS** for **SCS** for **SB 83**, as amended, be adopted, which motion prevailed.

On motion of Senator Parson, **SS** for **SCS** for **SB 83**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 53**, entitled:

An Act to repeal sections 375.772, 375.775, 375.776, and 376.717, RSMo, and to enact in lieu thereof four new sections relating to insurance coverage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 58**, entitled:

An Act to repeal section 379.1510, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 60**, entitled:

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to the removal of weeds and trash in certain cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 79**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri International Business Advertising Fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 81**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the Missouri international agriculture exchange website.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 116**, entitled:

An Act to repeal sections 50.055 and 50.057, RSMo, and to enact in lieu thereof two new sections relating to county government accounts audits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 199**, entitled:

An Act to repeal sections 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, and 115.493, RSMo, and to enact in lieu thereof eighteen new sections relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 235**, entitled:

An Act to repeal sections 52.010, 54.040, and 54.330, RSMo, and to enact in lieu thereof three new sections relating to county candidate qualifications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 278**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to federal holidays.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 258** and **SB 242**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 29, 2013

TO THE SECRETARY OF THE SENATE

97TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bills Nos. 10 & 25 entitled:

AN ACT

To amend chapter 67, RSMo, by adding thereto two new sections relating to incentives to attract amateur sporting events to Missouri.

On March 29, 2013, I approved said Senate Committee Substitute for Senate Bills Nos. 10 & 25.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 29, 2013

TO THE SECRETARY OF THE SENATE

97TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 & 19 entitled:

AN ACT

To repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof eight new sections relating to certain benevolent tax credits, with an emergency clause.

On March 29, 2013, I approved said House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 20, 15 & 19.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-THIRD DAY—WEDNESDAY, APRIL 3, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 191 & 182	HCS for HB 586
HCS for HB 222	HB 591-Hubbard, et al
HCS for HB 128	HB 68-Kelley (127), et al
HB 133-Gosen, et al	HB 142-Dugger
HB 212-Cox, et al	HCS for HB 159
HB 329-Dugger and Crawford	HB 346-Molendorp
HB 163-Fitzpatrick and Dugger	HB 112-Burlison, et al
HCS for HB 349	HB 53-Gatschenberger
HB 184-Cox, et al	HCS for HB 58
HB 196-Lauer, et al	HB 60-Engler
HB 301-Engler	HCS for HB 79
HB 307-Riddle, et al	HCS for HB 81
HCS for HB 312	HB 116-Dugger
HCS for HB 401	HCS for HB 199
HB 412-Reiboldt, et al	HCS for HB 235
HB 432-Funderburk, et al	HB 278-Brattin, et al
HB 542-Love, et al	

THIRD READING OF SENATE BILLS

SCS for SJR 14-Schaefer, et al (In Fiscal Oversight)	SCS for SB 258-LeVota SB 242-Kehoe
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SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------|----------------------------|
| 1. SB 112-Rupp and Richard | 6. SB 142-Sifton |
| 2. SB 265-Nieves and Cunningham | 7. SB 126-Sater, with SCS |
| 3. SB 2-Rupp, with SCS | 8. SB 261-Rupp |
| 4. SB 82-Schaefer, with SCS | 9. SB 229-Brown, with SCS |
| 5. SB 254-Pearce, with SCS | 10. SB 87-Schaaf, with SCS |

- | | |
|-------------------------------------|--------------------------------------|
| 11. SB 159-Schmitt, et al, with SCS | 25. SB 303-Wasson |
| 12. SB 364-Parson | 26. SB 304-Wasson |
| 13. SB 275-Walsh | 27. SB 170-Chappelle-Nadal |
| 14. SB 297-Lager, with SCS | 28. SB 118-Kraus, with SCS |
| 15. SB 357-Romine | 29. SB 251-Kraus and Chappelle-Nadal |
| 16. SB 381-Kraus, with SCS | 30. SB 327-Dixon |
| 17. SB 67-Dixon | 31. SB 245-Justus |
| 18. SB 99-Keaveny | 32. SB 291-Rupp |
| 19. SB 239-Emery, with SCS | 33. SB 231-Munzlinger |
| 20. SB 272-Nieves | 34. SB 226-Schaefer, with SCS |
| 21. SB 267-Nieves | 35. SB 282-Wasson |
| 22. SB 342-Parson, et al | 36. SB 366-Lamping, et al |
| 23. SB 373-Munzlinger, with SCS | 37. SB 205-Sater |
| 24. SB 57-Romine | 38. SB 256-Silvey, with SCS |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|-------------------------------|
| SB 3-Rupp, with SA 1 (pending) | SB 65-Dixon, with SCS |
| SB 13-Schaefer, with SCS | SB 207-Kehoe, et al, with SCS |
| SB 21-Dixon | SB 252-Kraus |
| SB 22-Dixon | SB 257-Silvey and Justus |
| SB 48-Lamping | SB 292-Rupp |
| SB 61-Keaveny, with SCA 1 (pending) | |

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY—WEDNESDAY, APRIL 3, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For you have not received the spirit of bondage, whereby we cry, Abba, Father.” (Romans 8:5)

Holy Lord, let us never be afraid to kneel before You and confess our need of Your help and forgiveness. In times of sorrow and hurt, troubles and heartaches and especially those times we have failed You, help us to remember that You are truly our Father and we are Your children. Let us with boldness and with confidence ask as dear children to trust always in Your love and mercy and find grace in times of need. And we pray for Senator McKenna’s family at the death of his grandmother. We pray for Your comfort to be with them through their grief, remembering the grace and mercy You have for Your children. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sifton offered Senate Resolution No. 601, regarding Cathy Bowerman, Wildwood, which was adopted.

Senator Sifton offered Senate Resolution No. 602, regarding Matt Phoenix, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 603, regarding Kimberly Rapp, Bloomsdale, which was adopted.

Senator Sifton offered Senate Resolution No. 604, regarding Karen Colombo, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 605, regarding Erin Baumann, High Ridge, which was adopted.

Senator Sifton offered Senate Resolution No. 606, regarding Susan Montgomery, Crestwood, which was adopted.

Senator Sifton offered Senate Resolution No. 607, regarding Amy Bush, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 608, regarding Stephanie Torbeck, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 609, regarding Brian Murphy, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 610, regarding Krista Dunn, Fenton, which was adopted.

Senator Sifton offered Senate Resolution No. 611, regarding Julie Kelleher, Saint Louis, which was adopted.

Senator Schaefer offered Senate Resolution No. 612, regarding John C. Cleek, III, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 613, regarding Caleb Andrew Murray, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 614, regarding Darric Woodley, Ferguson, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 615, regarding Eric Woodley, Ferguson, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 616, regarding Makil Walker, Ferguson, which was adopted.

Senator Libla offered Senate Resolution No. 617, regarding the Welcome Home Vietnam Veterans Day program in Poplar Bluff, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 83**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 112** be taken up for perfection, which motion prevailed.

Senator Kehoe assumed the Chair.

Senator Rupp offered **SS** for **SB 112**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 112**

An Act to repeal section 135.680, RSMo, and to enact in lieu thereof one new section relating to the new markets tax credit, with an emergency clause.

Senator Rupp moved that **SS** for **SB 112** be adopted.

Senator Pearce assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 112, Page 1, In the Title, Lines 3 and 4 of the title, by striking the words “the new markets tax credit” and inserting in lieu thereof the following: “tax credits”; and

Further amend said bill, Page 19, Section 135.680, Line 23, by inserting after all of said line the following:

“348.273. 1. This section and section 348.274 shall be known and may be cited as the “Missouri Angel Investment Incentive Act”.

2. As used in this section and section 348.274, the following terms mean:

(1) “Cash investment”, money or money equivalent contribution;

(2) “Department”, the department of economic development;

(3) “Investor”:

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2013;

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2013; or

(c) A natural person or permitted entity investor making an investment that is permitted under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2013.

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor and such person shall not qualify for the issuance of tax credits for such investment;

(4) “Owner”, any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(5) “Permitted entity investor”, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, general partnership, limited partnership, small corporation described in section 143.471, revocable living trust, or limited liability company that has elected to be taxed as a partnership under the United States internal revenue code, and that was established and is operated for the purpose of making investments in other entities;

(6) “Qualified knowledge-based company”, a company based on the use of ideas and information to provide innovative technologies, products, and services;

(7) “Qualified Missouri business”, the Missouri businesses that are approved and certified as qualified knowledge-based companies by the regional SBTDC that meet at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business’s production in Missouri;

(8) “Qualified securities”, a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the department. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument’s term;

(9) “SBTDC”, the Missouri small business and technology development center; and

(10) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

3. The Missouri angel investment incentive act shall be administered by the regional SBTDCs and the department, with the primary goal of encouraging individuals to provide seed-capital financing for emerging Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. Each regional SBTDC shall establish a regional committee consisting of no fewer than three but no more than five persons for the purpose of reviewing applications from businesses requesting designation as a qualified Missouri

business and allocating the amount of available tax credits among the qualified Missouri businesses. The department shall establish its own rules of procedure, including the form and substance of applications to be used by each regional SBTDC and the criteria to be considered by each regional SBTDC when evaluating a qualified Missouri business, such applications and criteria to be not less than the minimum requirements set forth in subsection 5 of this section. The department shall issue tax credits to qualified investors that make cash investments in qualified Missouri businesses that have been allocated available tax credits by a regional SBTDC.

4. (1) A tax credit shall be allowed for an investor's cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such investor's cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to the year beginning January 1, 2014. If the amount by which that portion of the credit allowed by this section exceeds the investor's liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The director of the department of revenue shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2019. The total amount of tax credits allocated under this section shall not exceed six million dollars per year.

(4) At the beginning of each calendar year, the department shall equally designate the tax credits available during that year to each regional SBTDC. At the beginning of each calendar quarter, the department shall allocate to each regional SBTDC one-fourth of the total tax credits designated to such regional SBTDC for the calendar year such that the regional SBTDC can allocate tax credits among the qualified Missouri businesses. The department shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, each regional SBTDC shall report to the department any unallocated tax credits for the preceding quarter. Such report shall meet the requirements set forth in section 348.274. The department shall aggregate all such tax credits and reallocate them equally among the regional SBTDCs as soon as possible during the next consecutive calendar quarter. Each regional SBTDC shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a regional SBTDC in need of additional tax credits for transactions closing in the fourth calendar quarter may request that another regional SBTDC with unallocated tax credits permit such unallocated tax credits to be allocated by the requesting SBTDC. No regional SBTDC shall be required to grant such request. When a granting SBTDC transfers the

allocation of the unallocated tax credits to a requesting SBTDC under this subdivision, the granting SBTDC shall provide to the requesting SBTDC a written confirmation authorizing such transfer, the granting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274, and the requesting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved by a regional SBTDC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to a regional SBTDC in accordance with the provisions of this section.

(2) The application by a business to a regional SBTDC shall be in the form and substance as required by the department, but shall include at least the following:

- (a) The name of the business and certified copies of the organizational documents of the business;
- (b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;
- (c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;
- (d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;
- (e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and
- (f) Such other information as the regional SBTDC or the department may reasonably request.

(3) The designation of a business as a qualified Missouri business shall be made by the regional SBTDC, and such designation shall be renewed annually. A business shall be so designated if the regional SBTDC determines, based upon the application submitted by the business and any additional investigation the regional SBTDC shall make, that such business meets the criteria established by the department. Such criteria shall include at least the following:

- (a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;
- (b) Businesses that are not bioscience businesses shall have been in operation for less than five years, and bioscience businesses shall have been in operation for less than ten years;
- (c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;
- (d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock, that can be traded via a public stock exchange before the date that a qualifying investment is made;
- (e) The business shall not be engaged primarily in any one or more of the following enterprises:

- a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;**
 - b. The provision of professional services, such as legal, accounting, or engineering services;**
 - c. Governmental, charitable, religious, or trade organizations;**
 - d. The ownership, development brokerage, sales, or leasing of real estate;**
 - e. Insurance;**
 - f. Construction or construction management or contracting;**
 - g. Business consulting or brokerage;**
 - h. Any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;**
 - i. Any activity that is in violation of the law;**
 - j. Any business raising money primarily to purchase real estate, land, or fixtures; and**
 - k. Any gambling related business;**
 - (f) The business has a reasonable chance of success;**
 - (g) The business has the reasonable potential to create measurable employment within the region, this state, or both;**
 - (h) The business has an innovative and proprietary technology, product, or service;**
 - (i) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;**
 - (j) The securities to be issued and purchased are qualified securities;**
 - (k) The business has the reasonable potential to address the needs and opportunities specific to the region or this state, or both;**
 - (l) The business has made binding commitments to the regional SBTDC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the regional SBTDC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the regional SBTDC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets; and**
 - (m) The business shall satisfy all other requirements of this section and section 348.274.**
- (4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the department.**
- (5) A qualified Missouri business shall have the burden of proof to demonstrate to the regional SBTDC the qualifications of the business under this section.**

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.274 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

348.274. 1. (1) Each regional SBTDC is authorized to allocate tax credits to qualified Missouri businesses. The department is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the regional SBTDC, are most likely to provide the greatest economic benefit to the region, the state, or both. The regional SBTDC may allocate, and the department may issue, whole or partial tax credits based on the regional SBTDC's assessment of the qualified Missouri businesses. The regional SBTDC may consider numerous factors in such assessment, including but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which a regional SBTDC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the regional SBTDC a report before such tax credits are issued. The regional SBTDC shall provide copies of this report to the department. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as the regional SBTDC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the regional SBTDC that allocated tax credits to the qualified Missouri business and the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The department shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The department shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by each regional SBTDC or the

department with respect to this section and section 348.273.

(4) If the department determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department shall send a notice of loss of designation to the business, each regional SBTDC, the director of the department of revenue and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business and shall repay any financial assistance to the regional SBTDC, in an amount to be determined by the regional SBTDC. Each qualified Missouri business that loses its designation as a qualified Missouri business shall enter into a repayment agreement with the regional SBTDC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted to any regional SBTDC or the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the regional SBTDC and the department, as applicable. For the purposes of this section and section 348.273, “trade secrets” means any customer lists, formula, compound, production data, or compilation of information that will allow individuals within a commercial concern using such information the means to fabricate, produce, or compound an article of trade or perform any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) Each regional SBTDC and the department may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee’s Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the department.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the applicable regional SBTDC on an annual basis, on or before

February first. The regional SBTDC shall provide copies of the reports to the department. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information as the regional SBTDC or the department may reasonably require under this section and section 348.273.

(2) Each regional SBTDC shall report quarterly to the department on the allocation of the tax credits in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications the regional SBTDC received;

(b) The number and ratio of successful applications to unsuccessful applications;

(c) The amount of tax credits allocated but not issued in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms;

(d) The amount of unallocated tax credits; and

(e) Such other information as reasonably agreed upon by each regional SBTDC and the department.

(3) The department shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefitted from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in the region that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within the region during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within the region;

(h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;

(i) Information regarding what businesses derived benefit from the tax credits remained in the region, what businesses ceased business, what businesses were purchased, and what businesses may have moved out-of-region or out-of-state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and such business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.

5. Notwithstanding sections 23.250 to 23.298 of the Missouri sunset act, sections 348.273 and 348.274 shall expire on December 31, 2019.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 112**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 303** and **304**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 306**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto two new sections relating to the designation of the state dogs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 331**, entitled:

An Act to repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 334**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to children performing agricultural work.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 406**, entitled:

An Act to repeal section 454.530, RSMo, and to enact in lieu thereof one new section relating to the family support payment center.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 428**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the issuance of salvage motor vehicle titles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 429**, entitled:

An Act to repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of salvage motor vehicle titles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 433**, entitled:

An Act to repeal section 196.055, RSMo, and to enact in lieu thereof two new sections relating to inspection of meat processors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 438**, entitled:

An Act to repeal section 301.449, RSMo, and to enact in lieu thereof one new section relating to license plates, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 442**, entitled:

An Act to repeal section 209.200, RSMo, and to enact in lieu thereof one new section relating to professional therapy dogs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 445**, entitled:

An Act to repeal section 227.303, RSMo, and to enact in lieu thereof one new section relating to the designation of memorial highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 451**, entitled:

An Act to repeal section 50.622, RSMo, and to enact in lieu thereof one new section relating to procedures for counties to decrease their budgets.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 498**, entitled:

An Act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 460**, entitled:

An Act to authorize the conveyance of certain state properties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 471**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of engineer awareness week in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 478**, entitled:

An Act to repeal sections 370.283 and 370.287, RSMo, and to enact in lieu thereof two new sections relating to credit unions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 525**, entitled:

An Act to repeal section 34.042, RSMo, and to enact in lieu thereof two new sections relating to reverse auctions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 568**, entitled:

An Act to repeal sections 67.463 and 67.469, RSMo, and to enact in lieu thereof two new sections relating to neighborhood improvement district special assessments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 625**, entitled:

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice arrangements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 634**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Turner Syndrome awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 673**, entitled:

An Act to repeal sections 173.005, 173.1105, 174.020, 176.010, 178.420, 178.530, 178.560, 178.585, 178.631, 178.632, 178.634, 178.635, 178.636, 178.637, 178.638, 178.639, and 178.640, RSMo, and to enact in lieu thereof seventeen new sections relating to the renaming of Linn State Technical College, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 650**, entitled:

An Act to repeal section 60.570, RSMo, and to enact in lieu thereof one new section relating to land survey program headquarters.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 715**, entitled:

An Act to repeal section 307.075, RSMo, and to enact in lieu thereof one new section relating to motorcycle brake lights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 440**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the sale of cottage foods.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 702**, entitled:

An Act to repeal sections 447.559 and 447.560, RSMo, and to enact in lieu thereof two new sections relating to the sale of unclaimed military medals, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 656**, entitled:

An Act to repeal section 82.485, RSMo, and to enact in lieu thereof one new section relating to powers of the supervisor of parking meters in certain cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 632**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Alpha Phi Alpha day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 585**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Stan Musial day in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 450**, entitled:

An Act to repeal sections 42.170, 42.200, and 42.220, RSMo, and to enact in lieu thereof three new sections relating to military medallions, medals, and certificates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 182**, entitled:

An Act to repeal sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, RSMo, and to enact in lieu thereof thirteen new sections relating to local taxes on motor vehicle sales, with an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182, Page 1, Line 4 of the Title, by striking the word “local”; and

Further amend said bill, page 6, section 144.020, line 4, by deleting the words “**paragraph (9) hereof**” and inserting in lieu thereof the following: “**subdivision (9) of this subsection**”; and

Further amend said bill and section, page 7, line 10, by deleting the words “**subsection (1) of section 144.020**” and inserting in lieu thereof the following: “**this subsection**”; and

Further amend said bill, page 10, section 144.450, line 6, by deleting the number “144.440” and inserting in lieu thereof the following: “[144.440] **144.020**”; and

Further amend said bill, page 12, section 144.610, line 12, by inserting immediately after “**subsection 1**” the following: “**of this section**”; and

Further amend said bill, page 13, section 1, line 2, by deleting the words “**and 144.757**” and inserting in lieu thereof the following: “**, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615**”; and

Further amend said section and page, line 4, by deleting the words “**and 144.757**” and inserting in lieu thereof the following: “**, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 152**, entitled:

An Act to repeal sections 160.261, 162.215, and 210.115, RSMo, and to enact in lieu thereof four new sections relating to school officers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Silvey.

PRIVILEGED MOTIONS

Senator Kehoe moved that **SCS** for **SB 182**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 182**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 182

An Act to repeal sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, RSMo, and to enact in lieu thereof thirteen new sections relating to local taxes on motor vehicle sales, with an emergency clause.

Was taken up.

Senator Kehoe moved that **HCS** for **SCS** for **SB 182**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curly	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Kehoe, **HCS** for **SCS** for **SB 182**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curly	Dempsey	Dixon	Emery	Holsman
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Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

Senator Nieves moved that **SB 265** be taken up for perfection, which motion prevailed.

Senator Justus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 265, Page 1, Section 1.370, Line 20, by inserting after all of said line, the following:

“Section B. Because of the need to protect property rights, Section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title accordingly.

At the request of Senator Justus, **SA 1** was withdrawn.

On motion of Senator Nieves, **SB 265** was declared perfected and ordered printed.

Senator Rupp moved that **SB 2**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SB 2** be adopted, which motion prevailed.

Senator Kraus assumed the Chair.

On motion of Senator Rupp, **SCS** for **SB 2** was declared perfected and ordered printed.

SB 82, with **SCS**, was placed on the Informal Calendar.

Senator Pearce moved that **SB 254**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 254**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 254

An Act to repeal section 408.140, RSMo, and to enact in lieu thereof one new section relating to loan fees.

Was taken up.

Senator Pearce moved that **SCS** for **SB 254** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 254, Page 3, Section 408.140, Line 58, by inserting immediately after the word “of”, the following: “**up to**”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 254, Page 1, In the Title, Line 3, by striking the words “loan fees”, and inserting in lieu thereof, the following: “loans”; and

Further amend page 3, section 408.140, line 79, by inserting after all of said line, the following:

“431.215. No lender shall seek to enforce any loan contract for a business that contains a personal guarantee, with respect to a party to the contract that has sold, assigned, or in any way transferred all of the party’s interest in the business to another party, after five years from such sale, assignment,

or transfer.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion failed.

Senator Pearce moved that **SCS** for **SB 254**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 254**, as amended, was declared perfected and ordered printed.

Senator Sifton moved that **SB 142** be taken up for perfection, which motion prevailed.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 142, Page 1, Section 351.210, Line 3, by striking the following: “and in the following manner”.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sifton, **SB 142**, as amended, was declared perfected and ordered printed.

Senator Sater moved that **SB 126**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 126**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 126

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to pharmacy inventories.

Was taken up.

Senator Sater moved that **SCS** for **SB 126** be adopted, which motion prevailed.

On motion of Senator Sater, **SCS** for **SB 126** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 265**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 581**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 169**, entitled:

An Act to repeal sections 56.807, 488.026, and 488.5320, RSMo, and to enact in lieu thereof three new sections relating to court cost funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 618, regarding Spring River Christian Village, Joplin, which was adopted.

Senator Munzlinger offered Senate Resolution No. 619, regarding Aaron Joel Laughlin, which was adopted.

Senator Wasson offered Senate Resolution No. 620, regarding James Ray "J.T." Turner, II, which was adopted.

Senator Wasson offered Senate Resolution No. 621, regarding Jonathan Cox, which was adopted.

Senator Brown offered Senate Resolution No. 622, regarding Terry J. Cunningham, Salem, which was adopted.

Senator Cunningham offered Senate Resolution No. 623, regarding Tonya Pogue, Licking, which was adopted.

Senator Cunningham offered Senate Resolution No. 624, regarding Paul J. Foster, Houston, which was adopted.

Senator Romine offered Senate Resolution No. 625, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tom Boyer, Potosi, which was adopted.

On motion of Senator Richard, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

SENATE BILLS FOR PERFECTION

SB 261 was placed on the Informal Calendar.

Senator Brown moved that **SB 229**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 229**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 229

An Act to repeal section 630.170, RSMo, and to enact in lieu thereof one new section relating to the mental health employment disqualification registry.

Was taken up.

Senator Brown moved that **SCS** for **SB 229** be adopted.

Senator Brown offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 229, Page 3, Section 630.170, Line 78, by striking “9” and inserting in lieu thereof the following: “**10**”.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SCS** for **SB 229**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 229**, as amended, was declared perfected and ordered printed.

Senator Rupp moved that **SB 261** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 261** was declared perfected and ordered printed.

Senator Rupp moved that **SB 112**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Keaveny, Lamping, Schaaf and Walsh.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Curls	Dixon	Holsman	Justus	Keaveny	LeVota	Pearce	Romine
Schaaf	Schaefer	Sifton	Silvey	Wallingford	Walsh—14		

NAYS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nasheed	Nieves	Parson	Richard	Rupp
Sater	Schmitt	Wasson—19					

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

At the request of Senator Rupp, **SS** for **SB 112** was withdrawn.

SB 112 was again taken up.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 112, Page 9, Section 135.680, Line 275, by striking the number “twenty-five” and inserting in lieu thereof the following: “**fifteen**”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 112, Page 2, Section 135.680, Lines 45-47, by striking all of said lines; and

Further amend said bill and section, pages 6-7, lines 197-217, by striking all of said lines and inserting in lieu thereof the following: “**of 1986, as amended;**”.

Senator Schaefer moved that the above amendment be adopted, which motion failed.

On motion of Senator Rupp, **SB 112**, as amended, was declared perfected and ordered printed.

Senator Kehoe assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 261**; **SCS** for **SB 229**; **SCS** for **SB 2**; **SCS** for **SB 126**; **SB 142**; and **SCS** for **SB 254**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Amy and Katie Miles and Amanda Struchtemeyer, Saline County; and Debbie Lueck, Angela Limback, Kathy Bondy and Whitney Wiegel, Lafayette County.

Senator Justus introduced to the Senate, her parents, Judge James K. and Jennifer Justus, Branson.

Senator Richard introduced to the Senate, Dr. Bazzano and Dr. Langevin, Joplin.

Senator Schmitt introduced to the Senate, Jeanne Marshall and her son, Logan, Wildwood, and Logan was made an honorary page.

Senator Silvey introduced to the Senate, Travis Zimmer, Justine Jones and Paige Carter, Clay County.

Senator Keaveny introduced to the Senate, Bevy Beimdiek, Lisa Herder and Nancy Mogab, St. Louis.

Senator Keaveny introduced to the Senate, Reuben Shelton, St. Louis.

Senator LeVota introduced to the Senate, the Physician of the Day, Dr. Don Potts, Independence.

Senator Munzlinger introduced to the Senate, Linda Geist, Monroe City; Scott Brown, Dave Patterson and Mary Leuci, Columbia; and Mike Kasten, Cape Girardeau.

Senator Munzlinger introduced to the Senate, Head Coach Kenny Wyatt, Assistant Coach Mitchell Green and members of the Class 2A State Champion Salisbury High School boys basketball team.

Senator Parson introduced to the Senate, his wife, Teresa, Shannon and Janice Hancock, Shirley Allison and Jan Richner, Bolivar.

Senator Kehoe introduced to the Senate, Heather Dixon, Sheri Holland, Kimberly Pragman, Aimee Schmidt, parents and fourth grade students from Blair Oaks Elementary.

Senator Wallingford introduced to the Senate, John Grimm and Michael Gardner, Cape Girardeau.

Senator Richard introduced to the Senate, Jeremy Elliott-Engel, Bill Cook, Debbie Seufert, Ted Dana, Renee Russell, Dana and Kaleb Vangunda, David Russell, Jesse Shilling, Madelaine Giebler, Michala Peterman and Jacob Boeglin, Newton County; and Aaron Thacker and Katrina Hine, McDonald County.

Senator Brown introduced to the Senate, Rodney Edwards, Rolla; and Kathy Bess Holloway, Cape Girardeau.

Senator Curls introduced to the Senate, former State Representative Judy Baker, Columbia.

Senator Richard introduced to the Senate, Dave Adams, Brian Atnip, Karen Bradshaw, Mike Brower, Elisa Bryant, Scott Clayton, Joshua Clements, Derek Cole, Jared Dickey, Spencer Dobbs, Cassidee Edwards, Rob Gust, Allen Hall, Shaun Hampton, Robin Harrison, Terri Hart, Brian Henderson, Stephanie Hopkins, Shirley Hylton, Edie Ingram, Justin Kamplain, Ashley King, Miranda Lewis, Judy Lowe, John Motazedi, Sherry Noller, Eric Otten, Kelli Perigo, Lora Phelps, Carrie Puffinbarger, Teresa Roche, Jason Spangler, Heather Surbrugg, Julie Voelker, Sheila Waggoner, Justin Wagner, Fred Warden, Jr. and Dave Woods, representatives of Leadership Joplin.

Senator Lamping introduced to the Senate, his wife, Caryn.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FOURTH DAY—THURSDAY, APRIL 4, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 191 & 182

HCS for HB 222

HCS for HB 128

HB 133-Gosen, et al

HB 212-Cox, et al

HB 329-Dugger and Crawford

HB 163-Fitzpatrick and Dugger

HCS for HB 349

HB 184-Cox, et al

HB 196-Lauer, et al

HB 301-Engler

HB 307-Riddle, et al

HCS for HB 312

HCS for HB 401

HB 412-Reiboldt, et al

HB 432-Funderburk, et al

HB 542-Love, et al

HCS for HB 586

HB 591-Hubbard, et al

HB 68-Kelley (127), et al

HB 142-Dugger

HCS for HB 159

HB 346-Molendorp

HB 112-Burlison, et al

HB 53-Gatschenberger

HCS for HB 58

HB 60-Engler

HCS for HB 79

HCS for HB 81
 HB 116-Dugger
 HCS for HB 199
 HCS for HB 235
 HB 278-Brattin, et al
 HCS for HBs 303 & 304
 HCS for HB 306
 HB 331-Miller and Funderburk
 HB 334-Dugger, et al
 HB 406-Wieland
 HB 428-Schatz
 HB 429-Schatz
 HB 433-Korman, et al
 HCS for HB 438
 HB 442-Hoskins, et al
 HB 445-Engler and Black
 HB 451-Fraker, et al
 HB 498-Jones (50), et al
 HB 460-Engler

HB 471-Spencer, et al
 HB 478-Wieland, et al
 HB 525-Franklin, et al
 HB 568-Lauer and Gatschenberger
 HB 625-Burlison
 HB 634-Elmer
 HB 673-Schatz
 HB 650-Ross, et al
 HB 715-McCaherty
 HCS for HB 440
 HB 702-Englund, et al
 HCS for HB 656
 HB 632-Dunn, et al
 HB 585-Schieffer, et al
 HB 450-Carpenter, et al
 HB 152-Solon, et al
 HB 581-Roord, et al
 HCS for HB 169

THIRD READING OF SENATE BILLS

- | | |
|--|---------------------------|
| 1. SCS for SJR 14-Schaefer, et al
(In Fiscal Oversight) | 6. SB 261-Rupp |
| 2. SCS for SB 258-LeVota | 7. SCS for SB 229-Brown |
| 3. SB 242-Kehoe | 8. SCS for SB 2-Rupp |
| 4. SS for SCS for SB 83-Parson | 9. SCS for SB 126-Sater |
| 5. SB 265-Nieves and Cunningham | 10. SB 142-Sifton |
| | 11. SCS for SB 254-Pearce |

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------------|--------------------------------------|
| 1. SB 87-Schaaf, with SCS | 12. SB 267-Nieves |
| 2. SB 159-Schmitt, et al, with SCS | 13. SB 342-Parson, et al |
| 3. SB 364-Parson | 14. SB 373-Munzlinger, with SCS |
| 4. SB 275-Walsh | 15. SB 57-Romine |
| 5. SB 297-Lager, with SCS | 16. SB 303-Wasson |
| 6. SB 357-Romine | 17. SB 304-Wasson |
| 7. SB 381-Kraus, with SCS | 18. SB 170-Chappelle-Nadal |
| 8. SB 67-Dixon | 19. SB 118-Kraus, with SCS |
| 9. SB 99-Keaveny | 20. SB 251-Kraus and Chappelle-Nadal |
| 10. SB 239-Emery, with SCS | 21. SB 327-Dixon |
| 11. SB 272-Nieves | 22. SB 245-Justus |

23. SB 291-Rupp
24. SB 231-Munzlinger
25. SB 226-Schaefer, with SCS
26. SB 282-Wasson

27. SB 366-Lamping, et al
28. SB 205-Sater
29. SB 256-Silvey, with SCS

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon
SB 48-Lamping
SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS
SB 82-Schaefer, with SCS
SB 207-Kehoe, et al, with SCS
SB 252-Kraus
SB 257-Silvey and Justus
SB 292-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY—THURSDAY, APRIL 4, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“So acknowledge today and take to heart that the Lord is God in heaven above and on the earth beneath; there is no other.”
(Deuteronomy 4:39)

Heavenly Father, may we remember and live our lives knowing that during the most difficult times You are our God. May we return to our families after our work is done this day and share the joy, peace, love and abundance that comes to us from You our God, with confidence in Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 626, regarding Dr. Tammy D. Condren, Bolivar, which

was adopted.

Senator Cunningham offered Senate Resolution No. 627, regarding Lynn T. Jones, Cabool, which was adopted.

Senator Pearce offered Senate Resolution No. 628, regarding Lindsay Lettow, which was adopted.

Senator Walsh offered Senate Resolution No. 629, regarding Dennis Edwards, Florissant, which was adopted.

Senator Dixon offered Senate Resolution No. 630, regarding Evangel University, Springfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 112**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **SCS** for **SB 182**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Dempsey assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 182**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SJR 14**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

President Kinder assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SJR 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 14

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of

article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right of Missouri citizens to keep and bear arms.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS** for **SJR 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Wasson—29			

NAYS—Senators

Chappelle-Nadal Keaveny—2

Absent—Senators

Justus Walsh—2

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Schaefer, title to the joint resolution was agreed to.

Senator Schaefer moved that the vote by which the joint resolution passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 258**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 258

An Act to repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof three new sections relating to the board of directors of the Kansas City school district.

Was taken up by Senator LeVota.

On motion of Senator LeVota, **SCS** for **SB 258** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Curls—1

Absent—Senator Justus—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator LeVota, title to the bill was agreed to.

Senator LeVota moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaaf assumed the Chair.

SB 242, introduced by Senator Kehoe, entitled:

An Act to repeal section 171.181, RSMo, and to enact in lieu thereof one new section relating to the sale or provision of certain commodities to seven director school districts, with existing penalty provisions.

Was taken up.

On motion of Senator Kehoe, **SB 242** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—32

NAYS—Senators—None

Absent—Senator Walsh—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SCS** for **SB 182**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 83**, introduced by Senator Parson, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 83

An Act to repeal sections 52.250, 67.457, 67.463, 67.469, 67.1521, 139.160, 139.170, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof eighteen new sections relating to procedures for collecting local government funds.

Was taken up.

On motion of Senator Parson, **SS** for **SCS** for **SB 83** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 265, introduced by Senators Nieves and Cunningham, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

Was taken up by Senator Nieves.

On motion of Senator Nieves, **SB 265** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton
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Walsh—9

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nieves, title to the bill was agreed to.

Senator Nieves moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 261, introduced by Senator Rupp, entitled:

An Act to repeal section 138.431, RSMo, and to enact in lieu thereof one new section relating to the assignment of hearing officers by the state tax commission.

Was taken up.

On motion of Senator Rupp, **SB 261** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 229**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 229

An Act to repeal section 630.170, RSMo, and to enact in lieu thereof one new section relating to the mental health employment disqualification registry.

Was taken up by Senator Brown.

On motion of Senator Brown, **SCS** for **SB 229** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Chappelle-Nadal Curls Keaveny—3

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 126**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 126

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to pharmacy inventories.

Was taken up by Senator Sater.

On motion of Senator Sater, **SCS** for **SB 126** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 142, introduced by Senator Sifton, entitled:

An Act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

Was taken up.

On motion of Senator Sifton, **SB 142** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp

Sater Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh
 Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 254**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 254

An Act to repeal section 408.140, RSMo, and to enact in lieu thereof one new section relating to loan fees.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 254** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Kraus Nasheed Rupp—3

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 316**, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the division of tourism supplemental revenue fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 168**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto two new sections relating to residency at public institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 432**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which were referred **SB 317** and **SB 319**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 401**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 396**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 378**, begs leave to report that

it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 410**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 133**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 210**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HJR**s **11** and **7**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 455**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 167**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 343**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 175**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 285**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 339**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 441**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SJR 2**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 419**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 411**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaaf assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HBs 191** and **182**—Jobs, Economic Development and Local Government.

HCS for **HB 222**—Jobs, Economic Development and Local Government.

HCS for HB 128—Ways and Means.

HB 133—Small Business, Insurance and Industry.

HB 212—Financial and Governmental Organizations and Elections.

HB 329—Financial and Governmental Organizations and Elections.

HB 163—Financial and Governmental Organizations and Elections.

HCS for HB 349—Transportation and Infrastructure.

HB 184—Jobs, Economic Development and Local Government.

HB 196—Jobs, Economic Development and Local Government.

HB 301—Judiciary and Civil and Criminal Jurisprudence.

HB 307—Jobs, Economic Development and Local Government.

HCS for HB 312—Transportation and Infrastructure.

HCS for HB 401—Financial and Governmental Organizations and Elections.

HB 412—Agriculture, Food Production and Outdoor Resources.

HB 432—Commerce, Consumer Protection, Energy and the Environment.

HB 542—Agriculture, Food Production and Outdoor Resources.

HCS for HB 586—Agriculture, Food Production and Outdoor Resources.

HB 591—Transportation and Infrastructure.

HB 68—General Laws.

HB 142—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 159—Veterans' Affairs and Health.

HB 346—Small Business, Insurance and Industry.

HB 112—Small Business, Insurance and Industry.

HB 53—Small Business, Insurance and Industry.

HCS for HB 58—Small Business, Insurance and Industry.

HB 60—Jobs, Economic Development and Local Government.

HCS for HB 79—Jobs, Economic Development and Local Government.

HCS for HB 81—Agriculture, Food Production and Outdoor Resources.

HB 116—Jobs, Economic Development and Local Government.

HCS for HB 199—Financial and Governmental Organizations and Elections.

HCS for HB 235—Financial and Governmental Organizations and Elections.

HB 278—General Laws.

HCS for HBs 303 and 304—Transportation and Infrastructure.

HCS for HB 306—General Laws.

HB 331—Commerce, Consumer Protection, Energy and the Environment.

HB 334—Agriculture, Food Production and Outdoor Resources.

HB 406—Seniors, Families and Pensions.

HB 428—Transportation and Infrastructure.

HB 429—Small Business, Insurance and Industry.

HB 433—Agriculture, Food Production and Outdoor Resources.

HCS for HB 438—Transportation and Infrastructure.

HB 442—Seniors, Families and Pensions.

HB 445—Transportation and Infrastructure.

HB 451—Jobs, Economic Development and Local Government.

HB 498—Financial and Governmental Organizations and Elections.

HB 460—Governmental Accountability and Fiscal Oversight.

HB 471—Transportation and Infrastructure.

HB 478—Financial and Governmental Organizations and Elections.

HB 525—Governmental Accountability and Fiscal Oversight.

HB 568—Jobs, Economic Development and Local Government.

HB 625—Financial and Governmental Organizations and Elections.

HB 634—General Laws.

HB 673—Education.

HB 650—General Laws.

HB 715—Transportation and Infrastructure.

HCS for HB 440—Agriculture, Food Production and Outdoor Resources.

HB 702—Veterans' Affairs and Health.

HCS for HB 656—Jobs, Economic Development and Local Government.

HB 632—General Laws.

HB 585—General Laws.

HB 450—Veterans’ Affairs and Health.

REFERRALS

President Pro Tem Dempsey referred **SB 112** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 446** and **211**, entitled:

An Act to amend chapter 443, RSMo, by adding thereto one new section relating to real estate loans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 315**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, President Chuck Ambrose, University of Central Missouri, Warrensburg.

Senator Pearce introduced to the Senate, Alex Muger, Chicago, Illinois; and Nicholas Charalambides, St. Louis.

Senator Nieves introduced to the Senate, President Joan Magruder, Elizabeth Roethlisberger, Lynn Schmidt, Maria Largura, Elizabeth Schwartz and Renne Bell, St. Louis Children’s Hospital.

Senator Schmitt introduced to the Senate, Megan Allen, Webster Groves; and Megan was made an honorary page.

Senator Pearce introduced to the Senate, Trisha Whitehead, and students from Leeton R-X Middle School.

Senator Brown introduced to the Senate, representatives of Leadership Camden County.

Senator Sifton introduced to the Senate, forty fourth grade students from Avery Elementary School, Webster Groves.

Senator Cunningham introduced to the Senate, Sherry Manning, and eighth grade students from Cabool Middle School.

On motion of Senator Richard the Senate adjourned until 4:00 p.m., Monday, April 8, 2013.

SENATE CALENDAR

FORTY-FIFTH DAY—MONDAY, APRIL 8, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 152-Solon, et al	HCS for HB 168
HB 581-Roorda, et al	HCS for HBs 446 & 211
HCS for HB 169	HCS for HB 315
HB 316-Phillips, et al	

THIRD READING OF SENATE BILLS

SB 112-Rupp and Richard
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 87-Schaaf, with SCS	19. SB 118-Kraus, with SCS
2. SB 159-Schmitt, et al, with SCS	20. SB 251-Kraus and Chappelle-Nadal
3. SB 364-Parson	21. SB 327-Dixon
4. SB 275-Walsh	22. SB 245-Justus
5. SB 297-Lager, with SCS	23. SB 291-Rupp
6. SB 357-Romine	24. SB 231-Munzlinger
7. SB 381-Kraus, with SCS	25. SB 226-Schaefer, with SCS
8. SB 67-Dixon	26. SB 282-Wasson
9. SB 99-Keaveny	27. SB 366-Lamping, et al
10. SB 239-Emery, with SCS	28. SB 205-Sater
11. SB 272-Nieves	29. SB 256-Silvey, with SCS
12. SB 267-Nieves	30. SB 432-Cunningham, with SCS
13. SB 342-Parson, et al	31. SBs 317 & 319-Romine, with SCS
14. SB 373-Munzlinger, with SCS	32. SB 401-Rupp
15. SB 57-Romine	33. SB 396-Holsman and Chappelle-Nadal, with SCS
16. SB 303-Wasson	34. SB 378-Pearce, with SCS
17. SB 304-Wasson	35. SB 410-Kehoe
18. SB 170-Chappelle-Nadal	

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| 36. SB 133-Keaveny and Holsman, with SCS | 44. SB 339-Romine |
| 37. SB 210-Lamping and Nieves, with SCS | 45. SB 174-Parson, with SCS |
| 38. SB 455-Nieves, with SCS | 46. SB 441-Dempsey |
| 39. SB 167-Sater and Wallingford, with SCS | 47. SJR 2-Lager |
| 40. SB 343-Parson | 48. SB 315-Pearce |
| 41. SB 250-Schaaf, with SCS | 49. SB 419-Lager, with SCS |
| 42. SB 175-Wallingford | 50. SB 411-Kehoe, with SCS |
| 43. SB 285-Romine | 51. SB 141-Dempsey |

HOUSE BILLS ON THIRD READING

- | | |
|--|-----------------------------|
| HB 55-Flanigan and Allen, with SCS
(Schaefer) | HCS for HJR 11 & 7 (Parson) |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|-------------------------------|
| SB 3-Rupp, with SA 1 (pending) | SB 65-Dixon, with SCS |
| SB 13-Schaefer, with SCS | SB 82-Schaefer, with SCS |
| SB 21-Dixon | SB 207-Kehoe, et al, with SCS |
| SB 22-Dixon | SB 252-Kraus |
| SB 48-Lamping | SB 257-Silvey and Justus |
| SB 61-Keaveny, with SCA 1 (pending) | SB 292-Rupp |

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—MONDAY, APRIL 8, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Make a joyful noise to God, all the earth, sing the glory of his name.” (Psalm 66:1, 2)

Almighty God, we are thankful for the beauty of this day and our safe travel to continue the work You have called each of us to do here. Bless us with Your presence and guide our hearts and minds as we discern the bills that are brought before us. Help us to make wise and purposeful decisions that keep us on the path You have led us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 4, 2013 was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator LeVota—1

Vacancies—None

RESOLUTIONS

Senator Brown offered Senate Resolution No. 631, regarding Jim Besancenez, which was adopted.

Senator Brown offered Senate Resolution No. 632, regarding Linda Holland, which was adopted.

Senator Kraus offered Senate Resolution No. 633, regarding Auston Thomas Ruddell, which was adopted.

Senator Kraus offered Senate Resolution No. 634, regarding Zachary Scott Turner, which was adopted.

Senator Kraus offered Senate Resolution No. 635, regarding Aaron Michael Ratigan, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 636, regarding Daniel Patrick Ratigan, Lee's Summit, which was adopted.

Senator Emery offered Senate Resolution No. 637, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Bill Day, Harrisonville, which was adopted.

Senator Kehoe offered Senate Resolution No. 638, regarding Faith Ann Balkenbush, Jefferson City, which was adopted.

Senator Lamping offered Senate Resolution No. 639, regarding Maria Flick, which was adopted.

Senator Schaefer offered Senate Resolution No. 640, regarding Nathan J. Blake, Clark, which was adopted.

Senator Walsh offered Senate Resolution No. 641, regarding James O. Carlson, Saint Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 642, regarding Aaron Banks, which was adopted.

Senator Dempsey offered Senate Resolution No. 643, regarding Bryan Jefferson, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 644, regarding Bill Willbard, which was adopted.

Senator Dempsey offered Senate Resolution No. 645, regarding Alan and Jeannie Dickherber, which was adopted.

Senator Dempsey offered Senate Resolution No. 646, regarding John Clark, which was adopted.

Senator Dempsey offered Senate Resolution No. 647, regarding Carol Hurst, which was adopted.

Senator Holsman offered Senate Resolution No. 648, regarding Sam Little, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Schaaf moved that **SB 87**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 87**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 87**

An Act to repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 87** be adopted.

Senator Emery offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 87, Page 1, Section 191.918, Line 1, by striking “1.”; and further amend lines 5-16, by striking all of said lines.

Senator Emery moved that the above amendment be adopted.

At the request of Senator Emery, **SA 1** was withdrawn.

Senator Schaaf moved that **SCS** for **SB 87** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **SB 87** was declared perfected and ordered printed.

Senator Schmitt moved that **SB 159**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 159**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 159

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 159** be adopted.

At the request of Senator Schmitt, **SB 159**, with **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Parson, **SB 364** was placed on the Informal Calendar.

Senator Walsh moved that **SB 275** be taken up for perfection, which motion prevailed.

On motion of Senator Walsh, **SB 275** was declared perfected and ordered printed.

Senator Lager moved that **SB 297**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 297**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 297

An Act to repeal sections 393.320, 393.760, 393.1000, and 393.1003, RSMo, and to enact in lieu thereof four new sections relating to ratemaking for water utilities.

Was taken up.

Senator Lager moved that **SCS** for **SB 297** be adopted.

Senator Parson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 297, Page 8, Section 393.1003, Line 33, by inserting after all of said line the following:

“4. Notwithstanding any provision of law to the contrary, no water corporation or sewer

corporation shall impose an ISRS after August 27, 2017, and any ISRS in effect shall also terminate and be of no further effect after such date.”.

Senator Parson moved that the above amendment be adopted.

Senator Rupp assumed the Chair.

Senator Emery offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 297, Page 8, Section 393.1003, Line 33, by inserting after all of said line the following:

“4. As of August 28, 2019, the provisions of this section shall only apply to a water or sewer corporation in a county with a charter form of government and with more than one million inhabitants.”.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Kraus assumed the Chair.

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 297, Page 7, Section 393.1003, Lines 9-10, by striking the following: “,on an annualized basis,” and further amend line 10 by inserting after the word “dollars” the following: “**,on an annualized basis,**”; and further amend line 11 by inserting after the word “percent” the following: “**over a three year period**” and further amend line 13 by inserting after the word “percent” the following: “**over a three year period**”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“249.424. 1. If approved by a majority of the voters voting on the proposal, and upon the adoption of a resolution by a majority of the sewer district’s board of trustees, any sewer district established and organized under this chapter, may levy and impose annually a fee not to exceed fifty dollars per year within its boundaries for the repair of lateral sewer service lines on or connecting residential property having six or less dwelling units, except that the fee shall not be imposed on property in the sewer district that is located within any city, town, village, or unincorporated areas of a county that already imposes a fee under section 249.422. Any sewer district that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or fewer condominium units per building and each

condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association who are of the opinion that they are not properly classified as provided in this section to notify the sewer district.

2. The question shall be submitted to the registered voters who reside within the boundaries of the sewer district, excluding any voters who live within the boundaries of any city, town, village, or unincorporated areas of a county that already imposes a fee under section 249.422. The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed fifty dollars be assessed annually on residential property for each lateral sewer service line serving six or less dwelling units on that property and condominiums that have six or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

☐ YES

☐ NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, any sewer district established and organized under this chapter may, upon the adoption of a resolution by a majority of the sewer district's board of trustees, collect and administer such fee in order to protect the public health, welfare, peace, and safety. The funds collected shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

4. The collector in any county containing a sewer district that adopts a resolution under this section to collect a fee for the repair of lateral sewer service lines may add such fee to the general tax levy bills of property owners within the boundaries of the sewer district, excluding property located in any city, town, village, or unincorporated areas of the county that already imposes a fee under section 249.422. All revenues received on such combined bill for the purpose of providing for the repair of lateral sewer service lines shall be separated from all other revenues so collected and credited to the special account established by the sewer district under subsection 3 of this section.

5. If a city, town, village, or county, which is within the sewer district and imposed a fee under section 249.422, later rescinds such fee after voters authorized the fee provided under this section, the sewer district may submit the question provided under subsection 2 of this section to the registered voters of such city, town, village, or county that have property within the boundaries of the sewer district. If a majority of votes voting on the proposal approve, the sewer district may levy and impose the fee as provided under this section on property within such city, town, village, or county.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by inserting after all of said line the following:

“67.312. 1. Notwithstanding any law to the contrary, in any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district contracts with a for profit management company focusing on contract management and operations, the water supply district shall not charge or collect from its customers any increase in rates, charges, or fees, including but not limited to water rates, testing fees, inspection fees, administrative fees, service charges, minimum bill charges, flat rate charges, customer charges, billing charges, attendance fees, primacy fees, and user fees without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters. Any actual charges or fees by a state or local governmental entity not associated in any way with the water supply district may be passed on to their customers without a vote.

2. In any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district does not actually process or treat sewage or wastewater but pays another governmental entity for providing such service, the water supply district shall not charge and collect from its customers a premium, fee, tax, assessment, or other charge however denominated more than the rate it actually pays to such other entity without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“249.645. 1. Any public sewer district created under the provisions of sections 249.430 to 249.660 or established pursuant to article VI, section 30(a) of the Missouri Constitution may establish, make and collect charges for sewage services, including tap-on fees. The charges may be set as a flat fee or based upon the amount of water supplied to the premises and shall be in addition to those charges which may be levied and collected for maintenance, repair and administration expenses as provided for in section 249.640. Any private water company, public water supply district, or municipality supplying water to the premises located within a sewer district shall, upon reasonable request, make available to such sewer district its records and books so that such sewer district may obtain therefrom such data as may be necessary to calculate the charges for sewer service. Prior to establishing any such sewer charges, public hearings shall be held thereon

and at least thirty days' notice shall be given thereof.

2. Any charges made under this section shall be due at such time or times as specified by the county commission, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent, they shall be a lien upon the land charged, upon the county commission filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The county commission shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorney's fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure.

3. Should a lien be placed upon a customer's property by a public sewer district for unpaid sewer charges, the lien shall have priority as and be enforced in the same manner as taxes levied for state and county purposes.

4. Should the sewer charges remain unpaid for a period in excess of three months, the district, after notice to the customer [by certified mail], shall have the authority at its discretion to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SCS** for **SB 297**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 297**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 87** and **SB 275**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HJR**s **11** and **7** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 46**, entitled:

An Act to amend chapter 305, RSMo, by adding thereto four new sections relating to aerial surveillance, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

April 3, 2013

The Honorable Tom Dempsey
President Pro Tem
Missouri Senate
State Capitol
Room 326

Please accept my resignation from the Missouri Task Force on Prematurity and Infant Mortality.

Sincerely,
/s/ Will Kraus
Senator Will Kraus
District 8

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY—TUESDAY, APRIL 9, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 152-Solon, et al	HCS for HB 168
HB 581-Roorda, et al	HCS for HBs 446 & 211
HCS for HB 169	HCS for HB 315
HB 316-Phillips, et al	HCS for HB 46

THIRD READING OF SENATE BILLS

SB 112-Rupp and Richard (In Fiscal Oversight)	SB 275-Walsh
SCS for SB 87-Schaaf	

SENATE BILLS FOR PERFECTION

1. SB 357-Romine	6. SB 272-Nieves
2. SB 381-Kraus, with SCS	7. SB 267-Nieves
3. SB 67-Dixon	8. SB 342-Parson, et al
4. SB 99-Keaveny	9. SB 373-Munzlinger, with SCS
5. SB 239-Emery, with SCS	10. SB 57-Romine

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|---|---|
| 11. SB 303-Wasson | 29. SB 378-Pearce, with SCS |
| 12. SB 304-Wasson | 30. SB 410-Kehoe |
| 13. SB 170-Chappelle-Nadal | 31. SB 133-Keaveny and Holsman, with SCS |
| 14. SB 118-Kraus, with SCS | 32. SB 210-Lamping and Nieves, with SCS |
| 15. SB 251-Kraus and Chappelle-Nadal | 33. SB 455-Nieves, with SCS |
| 16. SB 327-Dixon | 34. SB 167-Sater and Wallingford, with
SCS |
| 17. SB 245-Justus | 35. SB 343-Parson |
| 18. SB 291-Rupp | 36. SB 250-Schaaf, with SCS |
| 19. SB 231-Munzlinger | 37. SB 175-Wallingford |
| 20. SB 226-Schaefer, with SCS | 38. SB 285-Romine |
| 21. SB 282-Wasson | 39. SB 339-Romine |
| 22. SB 366-Lamping, et al | 40. SB 174-Parson, with SCS |
| 23. SB 205-Sater | 41. SB 441-Dempsey |
| 24. SB 256-Silvey, with SCS | 42. SJR 2-Lager |
| 25. SB 432-Cunningham, with SCS | 43. SB 315-Pearce |
| 26. SBs 317 & 319-Romine, with SCS | 44. SB 419-Lager, with SCS |
| 27. SB 401-Rupp | 45. SB 411-Kehoe, with SCS |
| 28. SB 396-Holsman and Chappelle-Nadal,
with SCS | 46. SB 141-Dempsey |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

HCS for HJR 11 & 7 (Parson)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon
SB 48-Lamping
SB 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS
SB 159-Schmitt, et al, with SCS (pending)
SB 207-Kehoe, et al, with SCS
SB 252-Kraus
SB 257-Silvey and Justus
SB 292-Rupp
SB 364-Parson

✓

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY—TUESDAY, APRIL 9, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is anything too wonderful for the Lord?” (Genesis 18:14a)

We know, O Lord, that life is filled with challenges and obstacles and tunnels that seem to have no light at the end of them. Yet hearing Your Word, we know that You are with us and there is nothing too hard for us to accomplish with Your assistance. So guide us this week with our doubts knowing that all things are possible with Your help. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Pearce assumed the Chair.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 649, regarding the Wheaton R-III School District, which was adopted.

Senator Sater offered Senate Resolution No. 650, regarding the Taneyville R-II School District, which was adopted.

Senator Sater offered Senate Resolution No. 651, regarding the Shell Knob 78 School District, which was adopted.

Senator Sater offered Senate Resolution No. 652, regarding the Reeds Spring R-IV School District, which was adopted.

Senator Sater offered Senate Resolution No. 653, regarding the Pierce City R-VI School District, which was adopted.

Senator Sater offered Senate Resolution No. 654, regarding the Mount Vernon R-V School District, which was adopted.

Senator Sater offered Senate Resolution No. 655, regarding the Monett R-I School District, which was adopted.

Senator Sater offered Senate Resolution No. 656, regarding the McDonald County R-I School District, which was adopted.

Senator Sater offered Senate Resolution No. 657, regarding the Mark Twain R-VIII School District, which was adopted.

Senator Sater offered Senate Resolution No. 658, regarding the Marionville R-IX School District, which was adopted.

Senator Sater offered Senate Resolution No. 659, regarding the Hurley R-I School District, which was adopted.

Senator Sater offered Senate Resolution No. 660, regarding the Hollister R-V School District, which was adopted.

Senator Sater offered Senate Resolution No. 661, regarding the Forsyth R-III School District, which was adopted.

Senator Sater offered Senate Resolution No. 662, regarding the Cassville R-IV School District, which was adopted.

Senator Sater offered Senate Resolution No. 663, regarding the Branson R-IV School District, which was adopted.

Senator Sater offered Senate Resolution No. 664, regarding the Blue Eye R-V School District, which was adopted.

Senator Sater offered Senate Resolution No. 665, regarding the Aurora R-VIII School District, which was adopted.

Senator Sater offered Senate Resolution No. 666, regarding the Kirbyville R-VI School District, which was adopted.

Senator Sater offered Senate Resolution No. 667, regarding the Miller R-II School District, which was adopted.

Senators Schmitt and Nieves offered Senate Resolution No. 668, regarding the Academy of St. Louis, Chesterfield, which was adopted.

Senator Schmitt offered Senate Resolution No. 669, regarding David J. Kraeling, which was adopted.

Senator LeVota offered Senate Resolution No. 670, regarding Matthew Tyler Allen, Independence, which was adopted.

Senator LeVota offered Senate Resolution No. 671, regarding the Missouri State Association of Parliamentarians, which was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 672

Whereas, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

Whereas, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

Whereas, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

Whereas, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

Now, Therefore, Be It Resolved that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:00 p.m. Thursday, October 10, 2013 and 8:00 am to 12:00 noon on Friday, October 11, 2013.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 672** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 672** was adopted.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 159**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schmitt offered **SS** for **SCS** for **SB 159**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 159

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

Senator Schmitt moved that **SS** for **SCS** for **SB 159** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **SB 159** was declared perfected and ordered printed.

Senator Kehoe assumed the Chair.

Senator Kraus moved that **SB 252** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kraus offered **SS** for **SB 252**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 252

An Act to repeal section 302.183, and to enact in lieu thereof three new sections relating to the receipt, collection, and retention of certain information related to the issuance and renewal of driver's licenses and nondriver's licenses by the department of revenue, with an emergency clause.

Senator Kraus moved that **SS** for **SB 252** be adopted.

Senator Emery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 252, Page 1, In the Title, Line 3 of said page, by striking "the receipt, collection,"; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after all of said line the following:

"50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee collected pursuant to subsections 10 and 11 of section 571.101 shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the "County Sheriff's Revolving Fund" to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund shall only be used by law enforcement agencies for the purchase of equipment, to provide training, and to make necessary expenditures to process applications for concealed carry [endorsements] **permits** or renewals, including but not limited to the purchase of equipment, information and data exchange, training, fingerprinting and background checks, employment of additional personnel, and any expenditure necessitated by an action under section 571.114 or 571.117. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year. This fund may be audited by the state auditor's office or the appropriate auditing agency.

3. Notwithstanding any provision of this section to the contrary, the sheriff of every county, regardless of classification, is authorized to pay, from the sheriff's revolving fund, all reasonable and necessary costs and expenses for activities or services occasioned by compliance with sections 571.101 to 571.121. Such was the intent of the general assembly in original enactment of this section and sections 571.101 to 571.121, and it is made express by this section in light of the decision in *Brooks v. State of Missouri*, (Mo. Sup. Ct. February 26, 2004). The application and renewal fees to be charged pursuant to section 571.101 shall be based on the sheriff's good faith estimate, made during regular budgeting cycles, of the actual costs and expenses to be incurred by reason of compliance with sections 571.101 to 571.121. If the maximum fee permitted by section 571.101 is inadequate to cover the actual reasonable and necessary expenses in a given year, and there are not sufficient accumulated unexpended funds in the revolving fund, a sheriff may present specific and verified evidence of the unreimbursed expenses to the office of administration, which upon certification by the attorney general shall reimburse such sheriff for those expenses from an appropriation made for that purpose.

4. If pursuant to subsection [12] **13** of section 571.101, the sheriff of a county of the first classification

designates one or more chiefs of police of any town, city, or municipality within such county to accept and process applications for [certificates of qualification to obtain a concealed carry endorsement] **concealed carry permits**, then that sheriff shall reimburse such chiefs of police, out of the moneys deposited into this fund, for any reasonable expenses related to accepting and processing such applications.”; and

Further amend said bill and page, section 302.065, line 17 of said page, by striking all of said line; and

Further amend said bill and section, page 2, lines 1-26 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 3, line 10 of said page, by inserting immediately after all of said line the following:

“302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. All licenses shall bear the licensee’s Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph or digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee’s attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant’s Social Security number shall serve as the applicant’s license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor.

Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver’s license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number

on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall not issue a license without a facial photograph or digital image of the license applicant, except as provided pursuant to subsection 8 of this section. A photograph or digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No photograph or digital image will be taken wearing anything which cloaks the facial features of the individual.

6. The department of revenue may issue a temporary license or a full license without the photograph or with the last photograph or digital image in the department's records to members of the Armed Forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101 **as section 571.101 existed prior to August 28, 2013**. The fee for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a period of three years or less. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license.

In order to qualify for a license without a photograph or digital image pursuant to this section the applicant must:

(1) Present a form provided by the department of revenue requesting the applicant's photograph be omitted from the license or nondriver's license due to religious affiliations. The form shall be signed by the applicant and another member of the religious tenant verifying the photograph or digital image exemption on the license or nondriver's license is required as part of their religious affiliation. The required signatures on the prescribed form shall be properly notarized;

(2) Provide satisfactory proof to the director that the applicant has been a [U.S.] **United States** citizen for at least five years and a resident of this state for at least one year, except that an applicant moving to this state possessing a valid driver's license from another state without a photograph shall be exempt from the one-year state residency requirement. The director may establish rules necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

(3) Applications for a driver's license or nondriver's license without a photograph or digital image must be made in person at a license office determined by the director. The director is authorized to limit the number of offices that may issue a driver's or nondriver's license without a photograph or digital image pursuant to this section.

9. The department of revenue shall make available, at one or more locations within the state, an opportunity for individuals to have their full facial photograph taken by an employee of the department of

revenue, or their designee, who is of the same sex as the individual being photographed, in a segregated location.

10. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section.

11. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536.”; and

Further amend said bill, page 6, section 302.189, line 15 of said page, by inserting immediately after all of said line the following:

“571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; **or**

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons,

when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement **issued prior to August 28, 2013, or a valid concealed carry permit** under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon

premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, **a valid concealed carry endorsement issued before August 28, 2013**, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section “qualified retired peace officer” means an individual who:

- (1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;
- (2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;
- (5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;
- (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

- (1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or
- (2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and
- (3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.037. Any person who has a valid concealed carry endorsement **issued prior to August 28, 2013, or a valid concealed carry permit**, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self defense.

571.101. 1. All applicants for concealed carry [endorsements] **permits** issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a [certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver’s license or nondriver’s license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver’s license or nondriver’s license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle] **concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant’s person or within**

a vehicle. A concealed carry [endorsement] **permit** shall be valid for a period of three years from the date of issuance or renewal. The concealed carry [endorsement] **permit** is valid throughout this state. **A concealed carry endorsement issued prior to August 28, 2013 shall continue for a period of three years from the date of issuance or renewal to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.**

2. A **concealed carry permit** [of qualification for a concealed carry endorsement certificate] issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-one years of age, is a citizen of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and twenty-one years of age;

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit**;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(6) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(8) Is not adjudged mentally incompetent at the time of application or for five years prior to application,

or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(9) Submits a completed application for a [certificate of qualification] **permit** as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least twenty-one years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a [certificate of qualification to obtain a concealed carry endorsement] **permit** or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a [certificate of qualification to obtain a concealed carry endorsement] **permit**;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state,

occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable [certificate of qualification] **permit** fee as provided by subsection [10] **11** or [11] **12** of this section.

5. Before an application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit**, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit**. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** within three working days. The sheriff shall issue the [certificate] **permit** within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such [certificate and endorsement] **permit** within twenty-four hours of receipt of any background check that results in a disqualifying record[, and shall notify the department of revenue].

6. The sheriff may refuse to approve an application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the

applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the [certificate of qualification] **concealed carry permit** in the presence of the sheriff or his or her designee [and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and]. The [certificate of qualification] **permit** issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such [certificate] **concealed carry permit** to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 [in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004,] unless such [certificate of qualification] **permit** has been suspended or revoked for cause.

8. **The concealed carry permit shall specify only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder; the signature of the sheriff issuing the permit; the date of issuance; and the expiration date. The permit shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the department of public safety.**

9. The sheriff shall keep a record of all applications for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** and his or her action thereon. The sheriff shall report the issuance of a [certificate of qualification] **concealed carry permit** to the Missouri uniform law enforcement system. All information on any such [certificate] **permit** that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a [certificate of qualification] **concealed carry permit**, or a concealed carry endorsement **issued prior to August 28, 2013**, shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

[9.] **10. Information regarding any holder of a [certificate of qualification] concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records.**

[10.] **11. For processing an application for a [certificate of qualification for a concealed carry endorsement] concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county**

shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

[11.] **12.** For processing a renewal for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

[12.] **13.** For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.104. 1. (1) A concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, **and, if applicable, a concealed carry endorsement issued prior to August 28, 2013,** shall be suspended or revoked if the concealed carry **permit or** endorsement holder becomes ineligible for such [concealed carry] **permit or** endorsement under the criteria established in subdivisions (2), (3), (4), (5), and (7) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection.

(2) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of section 571.101, is issued against a person holding a concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, **or a concealed carry endorsement issued prior to August 28, 2013,** upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry **permit or** endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry **permit or** endorsement shall surrender the **permit, and, if applicable, the** driver's license or nondriver's license containing the concealed carry endorsement to the court, to the officer, or other official serving the order, warrant, discharge, or commitment.

(3) **In cases involving a concealed carry endorsement issued prior to August 28, 2013,** the official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, **and, if applicable, the concealed carry endorsement issued prior to August 28, 2013,** shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. Upon dismissal, the court holding the **permit, and, if applicable, the** driver's license or nondriver's license containing the concealed carry endorsement shall return [it] **such permit or license** to the individual.

(4) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the **permit to the issuing county sheriff. If a concealed carry endorsement issued prior to August 28, 2013, is revoked, the court shall forward the notice and the** driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement [and]. **The sheriff that issued the concealed carry permit, or the certificate of qualification prior to August**

28, 2013, shall report the change in status of the concealed carry **permit or** endorsement to the Missouri uniform law enforcement system. The director of revenue shall immediately remove the endorsement issued [pursuant to sections 571.101 to 571.121] **prior to August 28, 2013**, from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. A concealed carry [endorsement] **permit** shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current [driver's license or nondriver's license containing a] concealed carry [endorsement] **permit**. Upon successful completion of all renewal requirements, the sheriff shall issue a [certificate of qualification] **new concealed carry permit** which contains the date such [certificate] **permit** was renewed. **The process for renewing a concealed carry endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a new concealed carry permit as provided under this subsection.**

3. A person who has been issued a [certificate] **concealed carry permit, or a certificate** of qualification for a concealed carry endorsement **prior to August 28, 2013**, who fails to file a renewal application **for a concealed carry permit** on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired **concealed carry permit or certificate of qualification** shall notify the **Missouri uniform law enforcement system and the individual that such permit is expired and cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the sheriff that issued the certificate of qualification for the endorsement shall notify the** director of revenue that such certificate is expired **regardless of whether the endorsement holder has applied for a concealed carry permit under subsection 2 of this section.** The director of revenue shall immediately [cancel the concealed carry endorsement and] remove such endorsement from the individual's driving record and notify the individual [of such cancellation] **that his or her driver's license or nondriver's license has expired.** The notice [of cancellation of the endorsement] shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** pursuant to sections 571.101 to 571.121, **or a concealed carry endorsement issued prior to August 28, 2013**, who fails to renew his or her application within the six-month period must reapply for a new [certificate of qualification for a concealed carry endorsement] **concealed carry permit** and pay the fee for a new application. [The director of revenue shall not issue an endorsement on a renewed driver's license or renewed nondriver's license unless the applicant for such license provides evidence that he or she has renewed the certification of qualification for a concealed carry endorsement in the manner provided for such renewal pursuant to sections 571.101 to 571.121. If an applicant for renewal of a driver's license or nondriver's license containing a concealed carry endorsement does not want to maintain the concealed carry endorsement, the applicant shall inform the director at the time of license renewal of his

or her desire to remove the endorsement. When a driver's or nondriver's license applicant informs the director of his or her desire to remove the concealed carry endorsement, the director shall renew the driver's license or nondriver's license without the endorsement appearing on the license if the applicant is otherwise qualified for such renewal.]

4. Any person issued a concealed carry [endorsement] **permit** pursuant to sections 571.101 to 571.121 **or a concealed carry endorsement issued prior to August 28, 2013**, shall notify [the department of revenue and] the sheriffs of both the old and new jurisdictions of the **permit or** endorsement holder's change of residence within thirty days after the changing of a permanent residence. The **permit or** endorsement holder shall furnish proof to [the department of revenue and] the sheriff in the new jurisdiction that the **permit or** endorsement holder has changed his or her residence. The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. **If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue of his or her residence change. In such cases,** the change of residence shall be made by the department of revenue onto the individual's driving record [and]. **The sheriff shall report the residence change to the Missouri uniform law enforcement system and** the new address shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

5. Any person issued a [driver's license or nondriver's license containing a] concealed carry [endorsement] **permit** pursuant to sections 571.101 to 571.121 **or a concealed carry endorsement issued prior to August 28, 2013**, shall notify the sheriff or his or her designee of the **permit or** endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her **permit or** driver's license or nondriver's license containing a concealed carry endorsement. The **permit or** endorsement holder shall furnish a statement to the sheriff that the **permit or** driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a **permit or** driver's license or nondriver's license containing a concealed carry endorsement, the sheriff shall reissue a new [certificate of qualification] **concealed carry permit** within three working days of being notified by the concealed carry **permit or** endorsement holder of its loss or destruction. The [reissued certificate of qualification] **new concealed carry permit** shall contain the same personal information, including expiration date, as the original [certificate of qualification]. The applicant shall then take the certificate to the department of revenue, and the department of revenue shall proceed on the certificate in the same manner as provided in subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, the director of revenue shall issue a driver's license or nondriver's license containing a concealed carry endorsement if the applicant is otherwise eligible to receive such license] **concealed carry permit**.

6. If a person issued a concealed carry **permit, or** endorsement **issued prior to August 28, 2013**, changes his or her name, the person to whom the **permit or** endorsement was issued shall obtain a corrected [certificate of qualification for a concealed carry endorsement] **or new concealed carry permit** with a change of name from the sheriff who issued [such certificate] **the original concealed carry permit or the original certificate of qualification for an endorsement** upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected [certificate of qualification] **or new concealed carry permit**. The **permit or** endorsement holder shall furnish proof of the name change to the [department of revenue and the] sheriff within thirty days of changing his or her name and display his or her **concealed carry permit or** current

driver's license or nondriver's license containing a concealed carry endorsement. [The endorsement holder shall apply for a new driver's license or nondriver's license containing his or her new name. Such application for a driver's license or nondriver's license shall be made pursuant to chapter 302. The director of revenue shall issue a driver's license or nondriver's license with concealed carry endorsement with the endorsement holder's new name if the applicant is otherwise eligible for such license. The director of revenue shall take custody of the old driver's license or nondriver's license. The name change shall be made by the department of revenue onto the individual's driving record] **The sheriff shall report the name change to the Missouri uniform law enforcement system** and the new name shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

7. A concealed carry **permit, and, if applicable,** endorsement shall be automatically invalid after thirty days if the **permit or** endorsement holder has changed his or her name or changed his or her residence and not notified the department of revenue and sheriff [of a change of name or residence] as required in subsections 4 and 6 of this section.

571.107. 1. A concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, **a valid concealed carry endorsement issued prior to August 28, 2013,** or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No [driver's license or nondriver's license containing a] concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, **valid concealed carry endorsement issued prior to August 28, 2013,** or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from

carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry **permit or** endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under section 17, article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry **permit or** endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by **permit or** endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry **permit or** endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board.

Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a [driver's license or nondriver's license containing a] concealed carry **permit or endorsement**;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry **permit or endorsement** from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry **permit or endorsement** from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry **permit or endorsement** from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121 **or a concealed carry endorsement issued prior to August 28, 2013**, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such

person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her **permit, and, if applicable,** endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry **permit, and, if applicable,** endorsement revoked and such person shall not be eligible for a concealed carry [endorsement] **permit** for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the **concealed carry permit or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the** certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the **concealed carry permit or, if applicable, the** certificate of qualification for a concealed carry endorsement [and]. **If the person holds an endorsement,** the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. [A concealed carry endorsement suspension pursuant to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's license.] The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

571.111. 1. An applicant for a concealed carry [endorsement] **permit** shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry [endorsement] **permit**:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her by section 217.105, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

- (1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;
- (2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both;
- (3) The basic principles of marksmanship;
- (4) Care and cleaning of concealable firearms;
- (5) Safe storage of firearms at home;
- (6) The requirements of this state for obtaining a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** from the sheriff of the individual's county of residence [and a concealed carry endorsement issued by the department of revenue];
- (7) The laws relating to firearms as prescribed in this chapter;
- (8) The laws relating to the justifiable use of force as prescribed in chapter 563;
- (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;
- (10) A live fire test administered to the applicant while the instructor was present of twenty rounds from each handgun from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry [endorsement] **permit** who:

- (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or
- (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or
- (3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds, with both handguns.

4. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry [endorsement] **permit** shall:

- (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;
- (2) Maintain all course records on students for a period of no less than four years from course completion date; and
- (3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.

5. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any

sheriff issuing a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** pursuant to sections 571.101 to 571.121 if the instructor:

- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
- (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
- (3) Submits a photocopy of a certificate from a firearms safety instructor course approved by the department of public safety; or
- (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (5) Is a certified police officer firearms safety instructor.

6. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor.

571.114. 1. In any case when the sheriff refuses to issue a [certificate of qualification] **concealed carry permit** or to act on an application for such [certificate] **permit**, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310 and 482.335 shall apply to such appeals.

2. A denial of or refusal to act on an application for a [certificate of qualification] **concealed carry permit** may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of....., Missouri
 , Denied Applicant

)
)
)
)
)

vs.) Case Number

....., Sheriff

Return Date

APPEAL OF A DENIAL
 OF [CERTIFICATE OF
 QUALIFICATION FOR A
 CONCEALED CARRY ENDORSEMENT] **CONCEALED CARRY PERMIT**

The denied applicant states that his or her properly completed application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** was denied by the sheriff of County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

....., Denied Applicant

3. The notice of appeal in a denial of a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

4. If at the hearing the person shows he or she is entitled to the requested [certificate of qualification for a] concealed carry [endorsement] **permit**, the court shall issue an appropriate order to cause the issuance of the [certificate of qualification for a] concealed carry [endorsement] **permit**. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious.

5. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a [certificate of qualification for a] concealed carry [endorsement] **permit** appeal may have a right to trial de novo as provided in sections 512.180 to 512.320.

571.117. 1. Any person who has knowledge that another person, who was issued a [certificate of qualification for a] concealed carry [endorsement] **permit** pursuant to sections 571.101 to 571.121, **or concealed carry endorsement prior to August 28, 2013**, never was or no longer is eligible for such **permit or** endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's [certificate of qualification for a concealed carry endorsement and such person's] concealed carry **permit or** endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry **permit or** endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry **Permit or** Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF [CERTIFICATE OF QUALIFICATION] **CONCEALED CARRY PERMIT** OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a [certificate of qualification or a] concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, RSMo, **or a concealed carry endorsement issued prior to August 28, 2013**, and that the defendant's [certificate of qualification] **concealed carry permit** or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a [certificate] **permit** or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such [certificate] **permit** or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON
THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least twenty-one years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- ☐ Defendant is not a citizen of the United States.
- ☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a [certificate of qualification or] concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, RSMo, **or a concealed carry endorsement issued prior to August 28, 2013**, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a [certificate of qualification or a] concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, RSMo, **or a concealed carry endorsement issued prior to August 28, 2013**.
- ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- ☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in

another state, occurred more than five years ago without subsequent recommitment may apply.

- ☐ Defendant failed to submit a completed application for a [certificate of qualification or] concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, RSMo, **or a concealed carry endorsement issued prior to August 28, 2013.**
- ☐ Defendant failed to submit to or failed to clear the required background check.
- ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the [certificate of qualification or the] concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121 **or a concealed carry endorsement issued prior to August 28, 2013** at the time of issuance or renewal or is no longer eligible for a [certificate of qualification] **concealed carry permit** or the concealed carry endorsement [issued pursuant to the provisions of sections 571.101 to 571.121], the court shall issue an appropriate order to cause the revocation of the [certificate of qualification or] **concealed carry permit, and, if applicable, the concealed carry endorsement.** Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against [an] **a permit or endorsement holder** pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the **permit or endorsement holder** or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a [certificate of qualification] **concealed carry permit** or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a [certificate of qualification or a] concealed carry [endorsement] **permit** issued pursuant to sections 571.101 to 571.121, **or a certificate of qualification for a concealed carry endorsement issued prior to August 28, 2013,** so long as the sheriff acted in good faith.

571.121. 1. Any person issued a concealed carry [endorsement] **permit** pursuant to sections 571.101 to 571.121 **or a concealed carry endorsement issued prior to August 28, 2013,** shall carry the concealed carry **permit or endorsement** at all times the person is carrying a concealed firearm and shall display the concealed carry **permit and a state or federal government-issued photo identification or the**

endorsement upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the concealed carry **permit or** endorsement holder may be issued a citation for an amount not to exceed thirty-five dollars.

2. Notwithstanding any other provisions of law, the director of revenue, by carrying out his or her requirement to issue a driver's or nondriver's license reflecting that a concealed carry permit has been granted **under the law as it existed prior to August 28, 2013**, shall bear no liability and shall be immune from any claims for damages resulting from any determination made regarding the qualification of any person for such permit or for any actions stemming from the conduct of any person issued such a permit. By issuing the permit on the driver's or nondriver's license, the director of revenue [is] **was** merely acting as a scrivener for any determination made by the sheriff that the person [is] **was** qualified for the permit.

[571.102. The repeal and reenactment of sections 302.181 and 571.101 shall become effective on the date the director of the department of revenue begins to issue nondriver licenses with conceal carry endorsements that expire three years from the dates the certificates of qualification were issued, or on January 1, 2013, whichever occurs first. If the director of revenue begins issuing nondriver licenses with conceal carry endorsements that expire three years from the dates the certificates of qualification were issued under the authority granted under sections 302.181 and 571.101 prior to January 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.]; and

Further amend said bill and page, section B, line 18 of said page, by striking the following: "section A" and inserting in lieu thereof the following: "the enactment of sections 302.065 and 302.189 and the repeal and reenactment of section 302.183"; and further amend line 21 of said page, by striking the following: "section A" and inserting in lieu thereof the following: "the enactment of sections 302.065 and 302.189 and the repeal and reenactment of section 302.183"; and

Further amend the title and enacting clause accordingly.

Senator Emery moved that the above amendment be adopted.

Senator Emery offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 252, Page 1, Line 2, by inserting at the end of said line the following: "further amend lines 4 to 7 of the title, by striking all of said lines and inserting in lieu thereof the following: "licenses issued by the department of revenue, with an emergency clause for certain sections."; and".

Senator Emery moved that the above amendment be adopted.

At the request of Senator Kraus, **SB 252**, with **SS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, there are currently more than 105,000 people waiting for an organ donation, with the largest waiting group being persons 18 to 49 years of age; and

WHEREAS, more than 7,000 people die each year due to the lack of organs, with an average of 18 people dying each day while on the waiting list for an organ donation; and

WHEREAS, approximately 30,000 people a year have begun new lives thanks to an organ transplant; and

WHEREAS, organs and tissue from a single nonliving donor can be used to benefit more than 50 people. Living donors can donate a kidney and parts of their liver, lung, pancreas, or intestine, and can be evaluated to help a friend, family member, or even donate anonymously to patients of the wait list; and

WHEREAS, raising and promoting awareness and information about the need for organ and tissue donors and encouraging people to become an organ donor and tissue donor is vitally important to increase the number of lives saved and changed for the better through organ donation; and

WHEREAS, every person must be advised of their option to donate an organ. By focusing on education and donor awareness, every person can be informed on the need for organ donors; and

WHEREAS, the following excerpt is from “To Remember Me - I Will Live Forever”, written by American Poet Robert Noel Test (1926 - 1994):

“...And don’t call this my deathbed. Let it be called the bed of life, and let my body be taken from it to help others lead fuller lives.

Give my sight to the man who has never seen a sunrise, a baby’s face or love in the eyes of a woman.

Give my heart to a person whose own heart has caused nothing but endless days of pain.

Give my blood to the teenager who was pulled from the wreckage of his car, so that he might live to see his grandchildren play.

Give my kidneys to the one who depends on a machine to exist from week to week.

Take my bones, every muscle, every fiber and nerve in my body and find a way to make a crippled child walk. Explore every corner of my brain.

Take my cells, if necessary, and let them grow so that, someday a speechless boy will shout at the crack of a bat and a deaf girl will hear the sound of rain against her window...”; and

WHEREAS, public awareness of the great need for organ donation is the key to increasing the number of organ donors and thereby saving lives and improving the quality of life for recipients of organ donation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby designate April 2013 as “Donate Life Month” in Missouri.

BE IT FURTHER RESOLVED that the General Assembly encourages and recommends that people of the State of Missouri observe Organ Donor Life Month through activities which will increase awareness of organ donation and the need for organ donors.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 25**.

HOUSE CONCURRENT RESOLUTION NO. 25

WHEREAS, the Interim Committee on Local Governance of the Missouri House of Representatives (the Committee) submitted a report to the Speaker of the House dated December 31, 2012; and

WHEREAS, this report contained a synopsis of the issues presented to the Committee, as well as its recommendations; and

WHEREAS, the Committee reported on the governance and taxation issues in the St. Louis Metropolitan Statistical Area (MSA); and

WHEREAS, the report details the changes in the laws that make the St. Louis area unique; and

WHEREAS, no other municipality or county in Missouri is governed by the sales tax and governance provisions unique to St. Louis

County and its municipalities, so that the other counties in Missouri focus on county responsibilities, while the municipalities focus on municipal duties; and

WHEREAS, the Committee recognized that any type of change to the St. Louis MSA's sales tax and governance system is part of a larger overall discussion of issues which should be undertaken, such as merging or consolidating political subdivisions which offer duplicative or inefficient services, and the use of tax increment financing by municipalities to attract retail establishments from neighboring municipalities, as well as the issues surrounding the sales tax distribution system and the financial ramifications to local government of any changes; and

WHEREAS, the Committee stated its belief that these issues are best resolved by local stakeholders, but that where the local stakeholders fail to resolve these issues, the state would be forced to offer solutions through statute or referendum during the 2014 legislative session; and

WHEREAS, the Committee recommends that an independent study be commissioned to research the larger overall discussion of issues which should be undertaken in the St. Louis MSA, such as merging or consolidating political subdivisions which offer duplicative or inefficient services, and the use of tax increment financing by municipalities to attract retail establishments from neighboring municipalities, as well as the issues surrounding the sales tax distribution system and the financial ramifications to local government of any changes.

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House Ninety-Seventh General Assembly, First Regular Session, the Senate concurring therein, hereby establish the Joint Interim Committee on St. Louis Metropolitan Statistical Area Governance and Taxation (Joint Committee); and

BE IT FURTHER RESOLVED that the Joint Committee shall be composed of four majority party members to be appointed by the Speaker of the House of Representatives, two minority party members to be appointed by the Minority Leader of the House of Representatives, four majority party members to be appointed by the President Pro Tem of the Senate, and two minority party members to be appointed by the Minority Leader of the Senate; and

BE IT FURTHER RESOLVED that the Joint Committee shall interview and select an appropriate entity to conduct the independent study called for in the report and make recommendations to secure the appropriate commitments to fund the independent study at no direct cost to the state; and

BE IT FURTHER RESOLVED that the Joint Committee shall receive the independent study and, upon receipt, review the study as well as conduct a comprehensive analysis of the taxation and governance issues facing the St. Louis MSA, and make recommendations on proposed legislation for the 2014 legislative session; and

BE IT FURTHER RESOLVED that if this Joint Committee is not in receipt of an independent study by September 1, 2013, it shall proceed on its own and perform its own investigation and analysis of the circumstances so that this Joint Committee shall be able to make its recommendation for proposed legislative changes no later than December 31, 2013; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to hold hearing as it deems advisable and may solicit any input or information necessary to fulfill its obligations, including but not limited to any agency of the state or any political subdivision of the state which the committee may find helpful; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Joint Committee, its members, and any staff assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Joint Committee will report its recommendations and findings to the Missouri General Assembly by December 21, 2013; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to function during the interim between the First Regular Session of the 97th General Assembly through the end of the Second Regular Session of the 97th General Assembly; and

BE IT FURTHER RESOLVED that the Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 28**.

HOUSE CONCURRENT RESOLUTION NO. 28

WHEREAS, the Army 2020 Force Structure Realignment Programmatic Environmental Assessment (PEA) includes a plan to reduce the Army's end strength and realign its forces over the coming years which will affect 21 Army installations across the country, including Fort Leonard Wood in Missouri; and

WHEREAS, these Army reductions and realignments that may occur from Fiscal Year 2013-2020 will result in significant impacts to a variety of economic measures in communities neighboring these 21 installations; and

WHEREAS, the PEA specifically references the impact of force structure reductions at Fort Leonard Wood in Missouri, including reduction in employment, income, regional population, and sales; and

WHEREAS, Fort Leonard Wood currently has a permanent workforce of approximately 9,500 soldiers and Army civilians, not including trainees, students, family members, other service members, contractors, and non-full time employees; and

WHEREAS, the Programmatic Environmental Assessment proposes a loss of up to 3,900 of these soldiers and Army civilians, which is a loss of 41% of permanent staff and an added loss of 450 direct and 504 indirect jobs across the community; and

WHEREAS, the economic impact across the three-county region, as defined in the study, would be devastating. The study shows a loss of 8% in annual sales, 6.75% in tax revenue, 11.21% in employment, and 7.5% in population; and

WHEREAS, as the study notes, only a portion of the potential loss is considered in the study. The study states that there may also be a loss of 10% of training load and an unknown percentage of other services not factored into the analysis. With this additional loss, the overall loss would be catastrophic for the region; and

WHEREAS, the majority of the impact would be felt in Pulaski County, Missouri; and

WHEREAS, the study projects a loss of almost 3,700 K-12 school students in the region, with a majority of the loss in the Waynesville School District that provides K-12 schools on Fort Leonard Wood and the immediate vicinity; and

WHEREAS, Waynesville School District has approximately 6,000 students enrolled today. Assuming 85% of the loss in that school district, the district would realize a 52% loss of its current enrollment; and

WHEREAS, to continue to provide the highest level of quality education, the Waynesville School District has recently invested in several new facilities, a high school, elementary school, and career center. These facilities are heavily dependent on continuing federal impact aid for construction bond funding. Based on the projected level of impact aid loss, the district would be placed in serious financial jeopardy; and

WHEREAS, the impact of these losses would be felt not only in the communities surrounding Fort Leonard Wood, but the entire State of Missouri. The full impact of the state if the troop reduction goes forward has yet to be determined, but it is certain it would be significant, because Fort Leonard Wood is one of the largest employers in the State of Missouri; and

WHEREAS: Fort Leonard Wood is an important asset for the Army and the Department of Defense through pioneering the concepts of multiple schools at one location, and multi-service training and education; and

WHEREAS, the Army has made a multi-billion dollar investment in new infrastructure at the installation and its operating costs are among the lowest in the country. Fort Leonard Wood should be considered for additional mission growths, not reductions; and

WHEREAS, final decisions will be made over the next several years. The projected \$233 million in economic loss and 6,441 jobs affected as a result of the proposed Army reductions will have a significant impact to the State of Missouri and catastrophic to the region:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the Department of Defense to reconsider the reduction and realignment of Army forces at Fort Leonard Wood, Missouri, and continue full operation at this installation, which has one of the lowest installation operating costs in the county; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Secretary of the United States Department of Defense, the United States Army Environment Command, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 159** and **SCS** for **SB 297**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 297** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 673, regarding the Joplin Sports Complex, which was adopted.

Senator Lamping offered Senate Resolution No. 674, regarding Morris Moss, Saint Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 675, regarding Scott Brinkman “Brink” Thompson, which was adopted.

Senator Walsh offered Senate Resolution No. 676, regarding David C. Miller, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 677, regarding Joshua David Cross, Bellefontaine Neighbors, which was adopted.

Senator Schaaf offered Senate Resolution No. 678, regarding Michelle Marshall, Saint Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 679, regarding Jacob D. Lindburg, which was adopted.

Senator Emery offered Senate Resolution No. 680, regarding Micah Cox, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Kraus moved that **SB 252**, with **SS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SA 1** was again taken up.

Senator Kehoe assumed the Chair.

Senator Emery moved that **SA 1** to **SA 1** be adopted, which motion prevailed.

Senator Munzlinger offered **SA 2** to **SA 1**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 252, Page 16, Line 18, by striking the word “three” and inserting in lieu thereof the following: “**five**”.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 3** to **SA 1**:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 252, Page 25, Section 571.101, Lines 22-23 of said amendment page, by striking: “not to exceed one hundred dollars” and inserting in lieu thereof the following: “, **in an amount to be determined by the sheriff**,”; and further amend lines 28 and 29 of said amendment page, by striking: “not to exceed fifty dollars” and inserting in lieu thereof the following: “, **in an amount to be determined by the sheriff**,”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion failed.

Senator LeVota offered **SA 4** to **SA 1**, which was read:

SENATE AMENDMENT NO. 4 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 252, Page 24, Section 571.101, Line 24 of said amendment, by inserting at the end of said line the following: “**The permit shall include a photograph of the permit holder.**”.

Senator LeVota moved that the above amendment be adopted, which motion failed.

Senator Emery moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Holsman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 252, Page 1, Section A, Line 3, by inserting immediately after said line the following:

301.3031. 1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund. **Beginning August 28, 2013, the director of revenue shall no longer collect the contribution authorized by this section.**

2. There is established in the state treasury the “World War II Memorial Trust Fund”. The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

3. The Missouri veterans’ commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on

November 11, 1995, on the National Mall in Washington, D.C.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080 requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

301.3033. 1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War I memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

2. There is established in the state treasury the "World War I Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War I memorial trust fund all amounts received pursuant subsection 1 of this section and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

3. The Missouri veterans' commission shall administer the trust fund established pursuant to this section. The trust fund shall be used for the sole purpose of the restoration, renovation, and maintenance of a memorial or museum or both dedicated to World War I in any home rule city with more than four hundred thousand inhabitants and located in more than one county.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080 requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 252, Page 5, Section 302.183, Line 15 of said page, by inserting immediately after said line the following:

"6. The department of revenue shall indemnify and hold harmless any person who is selected or appointed by the director of revenue to act as a fee office under section 136.055 from all costs, liabilities, and expenses, including reasonable attorneys' fee expenses, incurred by the fee office for defending a legal action brought against the fee office for an alleged violation of this section."

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator LeVota offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 252, Page 1, In the Title, Line 3 of said title, by striking the following: “receipt, collection,”; and further amend lines 4-5 of said title, by striking all of said lines; and further amend line 6 of said title, by striking the following: “nondriver’s licenses by the”; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

“32.403. 1. Notwithstanding the provisions of chapter 610 or any other provision of law, the department of revenue shall not sell or otherwise disclose any information consisting of a person’s name, address, date of birth, sex, height, weight, eye color, driver license number, driving history showing speeding tickets or other violations, Social Security number, photograph, telephone number, electronic mail address, or medical or disability information including restrictions.

2. Information restricted under subsection 1 of this section may be disclosed if allowed under 18 U.S.C. Sections 2721 to 2725 as amended, however, such information shall not be disclosed to a business entity except for the purpose of verifying information voluntarily provided to the business.

3. Any person may bring a claim against the department of revenue in a court of proper jurisdiction alleging a violation of this section and asking for civil damages in an amount not to exceed ten thousand dollars, attorney fees and costs, and such injunctive relief as a court deems proper. A violation shall consist of the unauthorized release of information with regard to a particular person, without regard to the type or quantity of information released.

4. If the department of revenue chooses to release information in accordance with subsection 2 of this section, the department shall charge only such actual fees as necessary to process the request for information, but in no case shall the fees charged exceed the amount that is charged for a substantially similar information request under chapter 610.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kraus moved that **SS for SB 252**, as amended, be adopted, which motion prevailed.

On motion of Senator Kraus, **SS for SB 252**, as amended, was declared perfected and ordered printed.

Senator Romine moved that **SB 357** be taken up for perfection, which motion prevailed.

Senator Romine offered **SS for SB 357**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 357

An Act to repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

Senator Romine moved that **SS for SB 357** be adopted, which motion prevailed.

On motion of Senator Romine, **SS for SB 357** was declared perfected and ordered printed.

Senator Kraus moved that **SB 381**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 381**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 381

An Act to amend chapter 178, RSMo, by adding thereto one new section relating to the innovation education campus fund.

Was taken up.

Senator Kraus moved that **SCS** for **SB 381** be adopted.

Senator Schmitt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 381, Page 1, Section 178.1100, Line 8, by inserting immediately after the word “public” the words “**or private**”.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Kraus moved that **SCS** for **SB 381**, as amended, be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **SB 381**, as amended, was declared perfected and ordered printed.

On motion of Senator Richard, the Senate recessed until 8:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Silvey.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 134**, entitled:

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SCS** for **SB 159** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 381** and **SS** for **SB 357**, begs leave to report that it has examined the same and finds that the

bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 381** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

SB 67 was placed on the Informal Calendar.

Senator Keaveny moved that **SB 99** be taken up for perfection, which motion prevailed.

On motion of Senator Keaveny, **SB 99** was declared perfected and ordered printed.

Senator Emery moved that **SB 239**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 239

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

Was taken up.

Senator Emery moved that **SCS** for **SB 239** be adopted.

Senator Curls offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, Section 167.168, Lines 3-5, by striking all of said lines and inserting in lieu thereof the following: “**technology, or similar technology, unless such identification device is used solely for the purposes of student safety or student security.**”.

Senator Curls moved that the above amendment be adopted, which motion failed on a standing division vote.

President Pro Tem Dempsey assumed the Chair.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 239, Page 6, Section 168.021, Line 170, by inserting after all of said line the following:

“**Section 1. 1. There is hereby established a joint interim committee of the general assembly to function during the legislative interim between the first and second regular sessions of the ninety-seventh general assembly to examine the current elementary and secondary education foundation formula.**

2. The joint interim committee shall do the following:

(1) Study the impact of cuts to the foundation formula on hold harmless school districts;

(2) Study how other states fund elementary and secondary education and how they have addressed

elementary and secondary education budgets during difficult fiscal times; and

(3) Identify ways in which the foundation formula might be improved.

3. The joint interim committee shall report its recommendations to the president pro tempore of the senate and the speaker of the house of representatives by January 8, 2014.

4. The joint interim committee shall be composed of ten members, three majority party members, and two minority party members of the senate, to be appointed by the president pro tempore of the senate, and three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives.

5. The joint interim committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the joint interim committee deems relevant, political subdivisions of this state, and the general public.

6. The staffs of senate appropriations, senate research, house appropriations, house research, the joint committee on education and the committee on legislative research shall provide such legal, research, clerical, technical, and bill drafting services as the joint interim committee may require in the performance of its duties.

7. The actual and necessary expenses of the joint interim committee, its members, and any staff assigned to the joint interim committee incurred by the joint interim committee shall be paid by the joint contingent fund.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted.

At the request of Senator Emery, **SB 239**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Nieves moved that **SB 272** be taken up for perfection, which motion prevailed.

Senator Walsh offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 272, Page 2, Section 320.402, Line 2, by striking “may” and inserting in lieu thereof the following: “**shall**”.

Senator Walsh moved that the above amendment be adopted, which motion failed.

Senator Walsh offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 272, Page 2, Section 320.402, Line 1, by inserting after “contractor” the following: “**or installer**”.

Senator Walsh moved that the above amendment be adopted.

At the request of Senator Nieves, **SB 272**, with **SA 2** (pending), was placed on the Informal Calendar.

Senator Nieves moved that **SB 267** be taken up for perfection, which motion prevailed.

Senator Schaaf assumed the Chair.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 267, Page 1, Section 506.600, Lines 1-19, by striking all of said lines from the bill; and

Further amend said bill and section, page 2, lines 20-39 by striking all of said lines from the bill and further amend line 40 by striking the number “5.” and inserting in lieu thereof the following: “**506.600. 1.**”; and further amend lines 47 to 51 by striking all of said lines and inserting in lieu thereof the following: “**dispute at issue, that is repugnant to or inconsistent with the United States and Missouri constitutions.**”; and

Further amend said bill and section, page 3, lines 59-63 by striking all of said lines and inserting in lieu thereof the following: “**issue, that is repugnant to or inconsistent with the United States and Missouri constitutions;**”

Further amend line 69 by striking the words “granted under” and inserting in lieu thereof the following: “**protected by**”; and

Further amend lines 72-89 by striking all of said lines; and

Further amend said bill and section, page 4, lines 90-92 by striking all of said lines; and

Further renumber the remaining subsections accordingly.

Senator Dixon moved that the above amendment be adopted.

At the request of Senator Nieves, **SB 267**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Parson moved that **SB 342** be taken up for perfection, which motion prevailed.

On motion of Senator Parson, **SB 342** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 252** and **SB 99**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SB 252** to the Committee on Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

April 3, 2013

The Honorable Tom Dempsey
President Pro-Tem
Missouri Senate
201 W Capitol Avenue, Room 326
Jefferson City, Missouri 65101

Dear Senator Dempsey,

Please accept this letter of request to be removed from the Missouri Consolidated Health Care Plan Board (MCHCP).

Serving on the MCHCP Board for the past two (2) years has afforded me an even greater understanding and appreciation of the State's health care system.

I am grateful for the opportunity to have served in such an important capacity.

Respectfully submitted,
/s/ S. Kiki Curls
Shalonn "Kiki" Curls
Ninth Senatorial District

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, former State Senator Betty Sims, Ladue.

The President and Senator Munzlinger introduced to the Senate, University of Missouri Extension Excel Leadership Class, Randolph County.

Senator Nasheed introduced to the Senate, David Chilenski, Crystal Hayden, Stanley Edwards, Lauren McComb, Sam Maynard, John Shafer, Max Moline, Isaac Reading, Andrew Moline, Jared Miller, David Aubuchon, Tom Martin, Jim Current, Grayston Eby, Shawn Hayden, Rich Hopkins, Jeffery Cunningham, Andrea Edwards, Evan Nevenschwander and Josiah Horn, representatives of Civil Air Patrol-Missouri.

Senator Richard introduced to the Senate, his wife, Patty, Gwen Delano, Paula Baker, Sharon Beshore, Jane Cage, Jane Lant and Nancy Morton, Joplin.

Senator Chappelle-Nadal introduced to the Senate, Mrs. Cheryl Jones, Mrs. Gail Sharpe, Ms. Barbi Click, Ms. Sheila Irving, and Mariah Moore, Ayanna King, Dominique Lewis, Gabrielle Brown, Jamoni Richardson, Alora Brown, Breyannah Parker, Symphoni Hollis, Amya Davis, Montia Evans, Taylor Brown, Tailyer Oden, Mya Brown, Trinity Smith, Darryan Smith, Aaliah Sperman, Jordyn Williams, Kayla Payne and Essence Green, representatives of Girls Inc., St. Louis; and Montia, Tailyer, Darryan and Aaliah were made honorary pages.

Senator Parson introduced to the Senate, Keith and Beverly Stevens, Bolivar; and Beth Crouch, Lincoln.

Senator Dixon introduced to the Senate, Marilyn Broaddus, parents and twenty fourth grade students from Greenwood Laboratory, Springfield.

Senator Chappelle-Nadal introduced to the Senate, representatives of Express Scripts, St. Louis.

On behalf of Senator Pearce, the President introduced to the Senate, Bill Owen, Springfield; and Gene Hanson, Kansas City.

On behalf of Senator Holsman and himself, Senator Pearce introduced to the Senate, Bob Madeo, Kansas City.

Senator Emery introduced to the Senate, Nancy Ross, Valo Jones, Mikayla Bartlett, Melissa Handle and

Courtney Herren, representatives of Sophomore Pilgrimage, Vernon County.

Senator Sater introduced to the Senate, Bob and Ruth Callahan, Cassville.

On behalf of Senator Kehoe, the President introduced to the Senate, Dan Campbell and students from Helias High School Civics Class, Jefferson City.

Senator Cunningham introduced to the Senate, Haley McCall and Anne Ream, West Plains.

Senator Silvey introduced to the Senate, the Physician of the Day, Dr. Brad Barth, Kansas City.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SEVENTH DAY—WEDNESDAY, APRIL 10, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 152-Solon, et al
HB 581-Roorda, et al
HCS for HB 169
HB 316-Phillips, et al
HCS for HB 168

HCS for HBs 446 & 211
HCS for HB 315
HCS for HB 46
HCS for HB 134

THIRD READING OF SENATE BILLS

SB 112-Rupp and Richard (In Fiscal Oversight)
SCS for SB 87-Schaaf
SB 275-Walsh
SS for SCS for SB 159-Schmitt
(In Fiscal Oversight)

SCS for SB 297-Lager (In Fiscal Oversight)
SCS for SB 381-Kraus (In Fiscal Oversight)
SS for SB 357-Romine
SS for SB 252-Kraus (In Fiscal Oversight)
SB 99-Keaveny

SENATE BILLS FOR PERFECTION

1. SB 373-Munzlinger, with SCS
2. SB 57-Romine

3. SB 303-Wasson
4. SB 304-Wasson

- | | |
|---|--|
| 5. SB 170-Chappelle-Nadal | 22. SB 410-Kehoe |
| 6. SB 118-Kraus, with SCS | 23. SB 133-Keaveny and Holsman, with SCS |
| 7. SB 251-Kraus and Chappelle-Nadal | 24. SB 210-Lamping and Nieves, with SCS |
| 8. SB 327-Dixon | 25. SB 455-Nieves, with SCS |
| 9. SB 245-Justus | 26. SB 167-Sater and Wallingford, with SCS |
| 10. SB 291-Rupp | 27. SB 343-Parson |
| 11. SB 231-Munzlinger | 28. SB 250-Schaaf, with SCS |
| 12. SB 226-Schaefer, with SCS | 29. SB 175-Wallingford |
| 13. SB 282-Wasson | 30. SB 285-Romine |
| 14. SB 366-Lamping, et al | 31. SB 339-Romine |
| 15. SB 205-Sater | 32. SB 174-Parson, with SCS |
| 16. SB 256-Silvey, with SCS | 33. SB 441-Dempsey |
| 17. SB 432-Cunningham, with SCS | 34. SJR 2-Lager |
| 18. SBs 317 & 319-Romine, with SCS | 35. SB 315-Pearce |
| 19. SB 401-Rupp | 36. SB 419-Lager, with SCS |
| 20. SB 396-Holsman and Chappelle-Nadal,
with SCS | 37. SB 411-Kehoe, with SCS |
| 21. SB 378-Pearce, with SCS | 38. SB 141-Dempsey |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

HCS for HJR 11 & 7 (Parson)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|---|
| SB 3-Rupp, with SA 1 (pending) | SB 82-Schaefer, with SCS |
| SB 13-Schaefer, with SCS | SB 207-Kehoe, et al, with SCS |
| SB 21-Dixon | SB 239-Emery, with SCS & SA 2 (pending) |
| SB 22-Dixon | SB 257-Silvey and Justus |
| SB 48-Lamping | SB 267-Nieves, with SA 1 (pending) |
| SB 61-Keaveny, with SCA 1 (pending) | SB 272-Nieves, with SA 2 (pending) |
| SB 65-Dixon, with SCS | SB 292-Rupp |
| SB 67-Dixon | SB 364-Parson |

RESOLUTIONS

To be Referred

HCR 10-Walton Gray, et al
HCR 25-Allen

HCR 28-Lynch, et al

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—WEDNESDAY, APRIL 10, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You desire truth in the inward being, therefore teach me wisdom in my secret heart.” (Psalm 51:6)

Heavenly Father, help us to seek wisdom and understanding as we go about our daily living and are confronted by so many decisions that have to be made. We invite You, therefore, to help us know the truth and to live and act the truth, in our thinking, in our decisions and in our actions, so we may pass on the wisdom of our hearts to help our people live more effective lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 681, regarding Kimberley Diane Beeson, Wildwood, which was adopted.

Senator Lamping offered Senate Resolution No. 682, regarding Rachel Anne Broom, Wildwood, which was adopted.

Senator Lamping offered Senate Resolution No. 683, regarding Kelsey C. Buford, Wentzville, which was adopted.

Senator Lamping offered Senate Resolution No. 684, regarding Hollis Weathers Wright, Ballwin, which was adopted.

Senator Lamping offered Senate Resolution No. 685, regarding Alex Elizabeth Lambrecht, Chesterfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HJR**s **11** and **7**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

HOUSE BILLS ON THIRD READING

HB 55, with **SCS**, was placed on the Informal Calendar.

HCS for **HJR**s **11** and **7**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to farm.

Was taken up by Senator Parson.

Senator Parson offered **SS** for **HCS** for **HJR**s **11** and **7**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NOS. 11 and 7

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to farm.

Senator Parson moved that **SS** for **HCS** for **HJR**s **11** and **7** be adopted.

Senator Kehoe assumed the Chair.

Senator LeVota offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 and 7, Page 2, Section 35, Line 4 of said page, by inserting at the end of said line the following: “**This section shall not apply to animals. “Animal” shall be defined as any dog or cat, which is being used, or is**

intended for use, for research, teaching, testing, breeding, or exhibition purposes, or as a pet.”.

Senator LeVota moved that the above amendment be adopted.

At the request of Senator Parson, **HCS** for **HJR**s **11** and **7**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 342**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Dempsey referred **HCR 10**; **HCR 25**; and **HCR 28** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

Photographers from KMOV-TV and KOMU-TV were given permission to take pictures in the Senate Chamber.

SENATE BILLS FOR PERFECTION

Senator Nieves moved that **SB 267**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Dixon, **SA 1** was withdrawn.

Senator Nieves offered **SS** for **SB 267**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 267

An Act to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

Senator Nieves moved that **SS** for **SB 267** be adopted.

Senator Schmitt assumed the Chair.

Senator Kraus assumed the Chair.

Senator Nieves offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 267, Page 4, Section 506.600, Line 9, by striking the word “adjudicating,” and inserting in lieu thereof the following: “**adjudicating**”.

Senator Nieves moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Nieves moved that **SS** for **SB 267**, as amended, be adopted, which motion prevailed.

On motion of Senator Nieves, **SS** for **SB 267**, as amended, was declared perfected and ordered printed.

Senator Silvey moved that **SB 257** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Silvey, **SB 257** was declared perfected and ordered printed.

Senator Dixon moved that **SB 67** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 67, Page 1, In the Title, Lines 4-5, by striking all of said lines and inserting in lieu thereof the words “sections relating to higher education.”; and

Further amend said bill, page 16, section 173.778, line 42, by inserting after all of said line the following:

“174.231. 1. On and after August 28, 2005, the institution formerly known as Missouri Southern State College located in Joplin, Jasper County, shall be known as “Missouri Southern State University”. [Missouri Southern State University is hereby designated and shall hereafter be operated as a statewide institution of international or global education.] The Missouri Southern State University is hereby designated a moderately selective institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and (2) of subsection 2 of section 173.005. [The institution shall develop such academic support programs and public service activities it deems necessary and appropriate to establish international or global education as a distinctive theme of its mission.] Consistent with the provisions of section 174.324, Missouri Southern State University is authorized to offer master’s level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005.

2. As of July 1, 2008, Missouri Southern State University shall discontinue any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board for higher education pursuant to subdivision (1) of subsection 2 of section 173.005.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 67, Page 16, Section 173.778, Line 42, by inserting after all of said line the following:

“174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control and to respond to emergencies or natural disasters outside of the boundaries of university property and provide services if requested by the law enforcement agency with jurisdiction.

174.703. **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as prescribed in chapter 304. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590 for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a

violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570. Points assessed against any person under section 302.302, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.”; and

Further amend said bill, Page 17, Section 174.770, Line 28, by inserting after all of said line the following:

“544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, **any college or university police officer**, and any commissioned member of the Missouri state park rangers in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer’s, conservation agent’s, capitol police officer’s, **college or university police officer’s**, or state park ranger’s jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer’s jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person’s appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term “fresh pursuit”, as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. “Fresh pursuit” as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

- (1) There shall be supervisory control of the pursuit;
- (2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;
- (3) There shall be procedures for coordinating operation with other jurisdictions; and
- (4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Dixon, **SB 67**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

Senator Parson moved that **HCS** for **HJR**s **11** and **7**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Sifton offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 and 7, Page 2, Section 35, Line 4, by adding the following at the end of said line:

“This section shall not apply to any dog or cat.”.

Senator Sifton moved that the above substitute amendment be adopted.

Senator LeVota requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**. He was joined in his request by Senators Justus, Keaveny, McKenna and Sifton.

At the request of Senator Sifton, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator LeVota, **SA 1** was withdrawn.

Senator Nasheed offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 and 7, Page 2, Section 35, Line 4, by inserting after all of said line the following:

“Nothing in this section shall be interpreted to prohibit the enactment of a law to require the labeling of genetically modified meats and fishes. There shall be enacted a general law that requires any meats and fishes that are genetically modified to be labeled as genetically modified with such exceptions as may be provided by general law.”.

Senator Nasheed moved that the above amendment be adopted.

Senator Richard raised the point of order that **SA 2** is out of order as it goes beyond the scope of the

subject matter of the underlying resolution.

The point of order was referred to the President Pro Tem.

At the request of Senator Nasheed, **SA 2** was withdrawn rendering the point of order moot.

Senator Lamping offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 and 7, Page 1, Section 35, Lines 9-10, by striking all of said line; and further amend said bill and section, page 2, lines 1-2, by striking all of said lines and inserting in lieu thereof the following: “**this state. Nothing in this section shall be interpreted to**”.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Parson moved that **SS** for **HCS** for **HJR**s **11** and **7**, as amended, be adopted, which motion prevailed.

On motion of Senator Parson, **SS** for **HCS** for **HJR**s **11** and **7**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Nasheed—1

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Parson, title to the joint resolution was agreed to.

Senator Parson moved that the vote by which the joint resolution passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 373**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 373**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 373

An Act to repeal sections 323.100 and 413.225, RSMo, and to enact in lieu thereof two new sections relating to agricultural weights and measures fees.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 373** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 373**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 373

An Act to repeal sections 323.100 and 413.225, RSMo, and to enact in lieu thereof two new sections relating to agricultural weights and measures fees.

Senator Munzlinger moved that **SS** for **SCS** for **SB 373** be adopted.

Senator Parson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 373, Page 2, Section 323.100, Line 5 of said page, by striking “fifty” and inserting in lieu thereof “**twenty-five**”; and further amend lines 6-19 of said page, by striking all of said lines and inserting in lieu thereof the following: “**at fifty dollars. On January 1, 2016, and thereafter, the testing fee shall be set at seventy-five dollars.**”.

Senator Parson moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Munzlinger moved that **SS** for **SCS** for **SB 373**, as amended, be adopted, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 373**, as amended, was declared perfected and ordered printed.

Senator Romine moved that **SB 57** be taken up for perfection, which motion prevailed.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 57, Page 3, Section 71.285, Line 83, by striking “or”; and further amend line 87, by inserting after “inhabitants,” the following: “**or in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants,**”.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Romine, **SB 57**, as amended, was declared perfected and ordered printed.

Senator Wasson moved that **SB 303** be taken up for perfection, which motion prevailed.

On motion of Senator Wasson, **SB 303** was declared perfected and ordered printed.

Senator Wasson moved that **SB 304** be taken up for perfection, which motion prevailed.

On motion of Senator Wasson, **SB 304** was declared perfected and ordered printed.

Senator Chappelle-Nadal moved that **SB 170** be taken up for perfection, which motion prevailed.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 170, Page 1, Section 610.015, Line 14, by striking the word “quorum” and inserting in lieu thereof the following: “**quorange**”; and further amend line 15 by inserting after the second use of the word “and” the following: “**at least one but**”; and

Further amend said bill and section, page 2, line 21 by inserting at the end of said line the following: “**As used in this section, the term “quorange” shall mean one less than a quorum.**”.

Senator Schaaf moved that the above amendment be adopted, which motion failed.

On motion of Senator Chappelle-Nadal, **SB 170** was declared perfected and ordered printed.

Senator Kraus moved that **SB 118**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 118**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 118

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

Was taken up.

Senator Kraus moved that **SCS** for **SB 118** be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **SB 118** was declared perfected and ordered printed.

Senator Kraus moved that **SB 251** be taken up for perfection, which motion prevailed.

Senator Kraus offered **SS** for **SB 251**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 251

An Act to repeal sections 578.375, 578.377, 578.379, 578.381, 578.383, 578.389, and 578.390, RSMo, and to enact in lieu thereof nine new sections relating to public assistance fraud and abuse, with penalty provisions.

Senator Kraus moved that **SS** for **SB 251** be adopted, which motion prevailed.

On motion of Senator Kraus, **SS** for **SB 251** was declared perfected and ordered printed.

Senator Dixon moved that **SB 327** be taken up for perfection, which motion prevailed.

On motion of Senator Dixon, **SB 327** was declared perfected and ordered printed.

Senator Justus moved that **SB 245** be taken up for perfection, which motion prevailed.

Senator Justus offered **SS** for **SB 245**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 245

An Act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to waiver

of court costs and expenses in civil cases.

Senator Justus moved that **SS** for **SB 245** be adopted, which motion prevailed.

On motion of Senator Justus, **SS** for **SB 245** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 257** and **SS** for **SB 267**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 42**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 686, regarding Dr. Henry D. Petry, Carl Junction, which was adopted.

Senator Parson offered Senate Resolution No. 687, regarding Brenda Owens, which was adopted.

Senator Keaveny offered Senate Resolution No. 688, regarding John Michael Palumbo, Saint Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 689, regarding Kyle Matthew Daledovich, which was adopted.

Senator Lager offered Senate Resolution No. 690, regarding Shirley Zieber, which was adopted.

Senator Lager offered Senate Resolution No. 691, regarding Peggy Harwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 692, regarding Alvin A. Sparkman, Valley Park, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Abigail Gillum, Warrensburg.

Senator Pearce introduced to the Senate, Kurt Steidley, Knob Noster; Duane and Carolyn Harms, Leeton; and Virginia Toole, Holden.

Senator Libla introduced to the Senate, Breanna Davison, Chris Rushin and Robbie Toth, representatives of Boys and Girls Club, Poplar Bluff.

Senator Walsh introduced to the Senate, Amanda Kosty, King City, California.

Senator Rupp introduced to the Senate, Bram Sable-Smith, St. Louis County.

Senator Kehoe introduced to the Senate, Falycady Spence, Stephanie Johnson and staff, representatives of Boys and Girls Club, Jefferson City.

Senator Munzlinger introduced to the Senate, Tony Reiss, South Dakota.

Senator Dixon introduced to the Senate, Judge William W. Francis, Jr. and his wife, Beverly, Springfield.

Senator Dixon introduced to the Senate, Sid Needham and Pat Gartland, representatives of Boys and Girls Clubs, Springfield.

Senator Chappelle-Nadal introduced to the Senate, April Pezzolla and forty-two students from University City High School.

Senator Curls introduced to the Senate, Samuel Smith, Courtney Calhoun, Aleecia Piggie, Takiela Hyler and X'Brie Morrow, representatives of Boys and Girls Clubs of Greater Kansas City.

Senator Pearce introduced to the Senate, Mayor Mike Wright and Ron Brohammer, Richmond.

Senator Schaaf introduced to the Senate, Nathan Garrett, Chicago, Illinois.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Kit Young, St. Louis.

Senator Sifton introduced to the Senate, Brandon Sanders and his parents, Robert and Kim; and Tyler Horner, Homeschoolers from Webster Groves and Wentzville.

Senator Dempsey introduced to the Senate, John O'Mara and his daughter, Abby, St. Charles; and Erin Strickland, Lebanon.

Senator Richard introduced to the Senate, fourth grade students from Cecil Floyd Elementary School, Joplin.

Senator Nieves introduced to the Senate, Director Marc Beckman and John Dane, D.D.S., representatives of Missouri Elks Dental Program, Lee's Summit.

Senator Pearce introduced to the Senate, Scott Cady and representatives of Missouri Pharmacy Day, Chillicothe.

Senator Schaaf introduced to the Senate, Patrick McShane, Springfield.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-EIGHTH DAY—THURSDAY, APRIL 11, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 169
HB 316-Phillips, et al
HCS for HB 168
HCS for HBs 446 & 211

HCS for HB 315
HCS for HB 46
HCS for HB 134
HB 42-Rowland

THIRD READING OF SENATE BILLS

- | | |
|---|---|
| 1. SB 112-Rupp and Richard
(In Fiscal Oversight) | 7. SS for SB 357-Romine |
| 2. SCS for SB 87-Schaaf | 8. SS for SB 252-Kraus
(In Fiscal Oversight) |
| 3. SB 275-Walsh | 9. SB 99-Keaveny |
| 4. SS for SCS for SB 159-Schmitt
(In Fiscal Oversight) | 10. SB 342-Parson, et al |
| 5. SCS for SB 297-Lager
(In Fiscal Oversight) | 11. SB 257-Silvey and Justus |
| 6. SCS for SB 381-Kraus
(In Fiscal Oversight) | 12. SS for SB 267-Nieves |

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 291-Rupp | 15. SB 210-Lamping and Nieves, with SCS |
| 2. SB 231-Munzlinger | 16. SB 455-Nieves, with SCS |
| 3. SB 226-Schaefer, with SCS | 17. SB 167-Sater and Wallingford, with SCS |
| 4. SB 282-Wasson | 18. SB 343-Parson |
| 5. SB 366-Lamping, et al | 19. SB 250-Schaaf, with SCS |
| 6. SB 205-Sater | 20. SB 175-Wallingford |
| 7. SB 256-Silvey, with SCS | 21. SB 285-Romine |
| 8. SB 432-Cunningham, with SCS | 22. SB 339-Romine |
| 9. SBs 317 & 319-Romine, with SCS | 23. SB 174-Parson, with SCS |
| 10. SB 401-Rupp | 24. SB 441-Dempsey |
| 11. SB 396-Holsman and Chappelle-Nadal,
with SCS | 25. SJR 2-Lager |
| 12. SB 378-Pearce, with SCS | 26. SB 315-Pearce |
| 13. SB 410-Kehoe | 27. SB 419-Lager, with SCS |
| 14. SB 133-Keaveny and Holsman, with SCS | 28. SB 411-Kehoe, with SCS |
| | 29. SB 141-Dempsey |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS

SB 21-Dixon
SB 22-Dixon

SB 48-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS

SB 207-Kehoe, et al, with SCS

SB 239-Emery, with SCS & SA 2 (pending)

SB 272-Nieves, with SA 2 (pending)

SB 292-Rupp

SB 364-Parson

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS

(Schaefer)

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—THURSDAY, APRIL 11, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“You show me the path of life. In your presence there is fullness of you; in your right hands are pleasures forevermore.” (Psalm 16:11)

Creator God, in our daily lives we experience You and know life and the fullness of Your joy. As we finish our work this day and return to our loved ones, make us mindful of the gifts they are in our lives and the completeness they bring to them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Chappelle-Nadal offered Senate Resolution No. 693, regarding Pearl Kramer, University City, which was adopted.

Senator Schaefer offered Senate Resolution No. 694, regarding Walter L. “Wally” Pfeffer, II, which was adopted.

Senators Pearce and LeVota offered Senate Resolution No. 695, regarding the death of Harold Hollingsworth, which was adopted.

Senator McKenna offered Senate Resolution No. 696, regarding the Fiftieth Anniversary of Jefferson College, Hillsboro, which was adopted.

Senator Cunningham offered Senate Resolution No. 697, regarding the One Hundredth Anniversary of Cabool State Bank, which was adopted.

Senator Cunningham offered Senate Resolution No. 698, regarding Willow Springs High School, which was adopted.

Senator Cunningham offered Senate Resolution No. 699, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Patrick McFarland, West Plains, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mariea Snell, as a member of the Missouri State Board of Nursing;

Also,

Michael L. Hodges, as a member of the Interior Design Council;

Also,

Brian C. Maddux, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Forrest Miller Jr., Republican, as a member of the Missouri Community Service Commission; and

Archie Camden, Democrat, as a member of the State Board of Embalmers and Funeral Directors.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Kinder assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 87**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 87**

An Act to repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

Was taken up by Senator Schaaf.

On motion of Senator Schaaf, **SCS** for **SB 87** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Romine	Rupp	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—30		

NAYS—Senators

Cunningham	Richard	Sater	Wasson—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 275, introduced by Senator Walsh, entitled:

An Act to repeal section 393.1075, RSMo, and to enact in lieu thereof one new section relating to utility regulation, with existing penalty provisions.

Was taken up.

On motion of Senator Walsh, **SB 275** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Schaaf assumed the Chair.

The President declared the bill passed.

On motion of Senator Walsh, title to the bill was agreed to.

Senator Walsh moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SB 357**, introduced by Senator Romine, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 357

An Act to repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

Was taken up.

On motion of Senator Romine, **SS** for **SB 357** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 99, introduced by Senator Keaveny, entitled:

An Act to repeal sections 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof three new sections relating to public administrators.

Was taken up.

On motion of Senator Keaveny, **SB 99** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 342, introduced by Senator Parson, et al, entitled:

An Act to repeal section 348.521, RSMo, and to enact in lieu thereof one new section relating to agricultural loans.

Was taken up by Senator Parson.

On motion of Senator Parson, **SB 342** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Libla	McKenna	Munzlinger	Nasheed
Parson	Pearce	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford—27					

NAYS—Senators

Cunningham	Lamping	LeVota	Nieves	Richard	Walsh	Wasson—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 257, introduced by Senators Silvey and Justus, entitled:

An Act to repeal sections 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, and 68.259, RSMo, and to enact in lieu thereof ten new sections relating to port improvement districts.

Was taken up by Senator Silvey.

On motion of Senator Silvey, **SB 257** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SB 267, introduced by Senator Nieves, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 267

An Act to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

Was taken up.

On motion of Senator Nieves, **SS for SB 267** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
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Walsh—9

Absent—Senator Holsman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nieves, title to the bill was agreed to.

Senator Nieves moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 403**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 373**; **SB 327**; **SB 304**; **SB 303**; **SS** for **SB 251**; **SS** for **SB 245**; **SB 170**; **SCS** for **SB 118**; **SB 67**; and **SB 57**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SB 251** and **SS** for **SCS** for **SB 373** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 152—Education.

HB 581—Transportation and Infrastructure.

HCS for **HB 169**—Seniors, Families and Pensions.

HB 316—Appropriations.

HCS for **HB 168**—Veterans' Affairs and Health.

HCS for **HBs 446** and **211**—Financial and Governmental Organizations and Elections.

HCS for **HB 315**—Small Business, Insurance and Industry.

HCS for HB 46—General Laws.

HCS for HB 134—Education.

HB 42—General Laws.

INTRODUCTIONS OF GUESTS

Senator Curls introduced to the Senate, Megan Pfannenstiel, Judge Joe Locashio, Marty Means and Judge Ardie Bland, Kansas City.

Senator Wallingford introduced to the Senate, fourth grade students from Alma Schrader Elementary School, Cape Girardeau.

On behalf of Senator Libla and himself, the President introduced to the Senate, Butler County Prosecuting Attorney Russ Oliver.

Senator Wallingford introduced to the Senate, Crystal Richey and eleven fourth grade students from Cape Christian School, Cape Girardeau.

Senator Chappelle-Nadal introduced to the Senate, representatives from the University of Missouri-St. Louis.

Senator Pearce introduced to the Senate, Betsy Marshall and students from Richmond R-XVI School.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, April 15, 2013.

SENATE CALENDAR

FORTY-NINTH DAY—MONDAY, APRIL 15, 2013

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|--|---|
| 1. SB 112-Rupp and Richard
(In Fiscal Oversight) | 7. SB 327-Dixon |
| 2. SS for SCS for SB 159-Schmitt
(In Fiscal Oversight) | 8. SB 304-Wasson |
| 3. SCS for SB 297-Lager (In Fiscal Oversight) | 9. SB 303-Wasson |
| 4. SCS for SB 381-Kraus (In Fiscal Oversight) | 10. SS for SB 251-Kraus (In Fiscal Oversight) |
| 5. SS for SB 252-Kraus (In Fiscal Oversight) | 11. SS for SB 245-Justus |
| 6. SS for SCS for SB 373-Munzlinger
(In Fiscal Oversight) | 12. SB 170-Chappelle-Nadal |
| | 13. SCS for SB 118-Kraus |
| | 14. SB 67-Dixon |
| | 15. SB 57-Romine |

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 291-Rupp | 16. SB 455-Nieves, with SCS |
| 2. SB 231-Munzlinger | 17. SB 167-Sater and Wallingford, with SCS |
| 3. SB 226-Schaefer, with SCS | 18. SB 343-Parson |
| 4. SB 282-Wasson | 19. SB 250-Schaaf, with SCS |
| 5. SB 366-Lamping, et al | 20. SB 175-Wallingford |
| 6. SB 205-Sater | 21. SB 285-Romine |
| 7. SB 256-Silvey, with SCS | 22. SB 339-Romine |
| 8. SB 432-Cunningham, with SCS | 23. SB 174-Parson, with SCS |
| 9. SBs 317 & 319-Romine, with SCS | 24. SB 441-Dempsey |
| 10. SB 401-Rupp | 25. SJR 2-Lager |
| 11. SB 396-Holsman and Chappelle-Nadal,
with SCS | 26. SB 315-Pearce |
| 12. SB 378-Pearce, with SCS | 27. SB 419-Lager, with SCS |
| 13. SB 410-Kehoe | 28. SB 411-Kehoe, with SCS |
| 14. SB 133-Keaveny and Holsman, with SCS | 29. SB 141-Dempsey |
| 15. SB 210-Lamping and Nieves, with SCS | 30. SB 403-Rupp, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|---|
| SB 3-Rupp, with SA 1 (pending) | SB 82-Schaefer, with SCS |
| SB 13-Schaefer, with SCS | SB 207-Kehoe, et al, with SCS |
| SB 21-Dixon | SB 239-Emery, with SCS & SA 2 (pending) |
| SB 22-Dixon | SB 272-Nieves, with SA 2 (pending) |
| SB 48-Lamping | SB 292-Rupp |
| SB 61-Keaveny, with SCA 1 (pending) | SB 364-Parson |
| SB 65-Dixon, with SCS | |

HOUSE BILLS ON THIRD READING

- HB 55-Flanigan and Allen, with SCS
(Schaefer)

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—MONDAY, APRIL 15, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

St. Augustine of Hippo offers this prayer. Let us pray.

“O loving God, to turn away from you is to fall, to turn towards you is to rise, and to stand before you is to abide forever. Grant us, dear God, in all our duties your help; in all our uncertainties your guidance; in all our dangers your protection; and in all our sorrows your peace; . . .”. And Father, we add to these petitions that You will provide healing to the victims in Boston’s bombing; and comfort to the people terrorized by this event. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 11, 2013 was read and approved.

Senator Richard announced photographers from KCTV5-Kansas City were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Curls offered Senate Resolution No. 700, regarding the Jackson County Adult Drug Court, which was adopted.

Senators Keaveny and Sifton offered Senate Resolution No. 701, regarding Brentwood High School, which was adopted.

Senator Sifton offered Senate Resolution No. 702, regarding Alfred H. Eppestine, Mehlville, which was adopted.

Senator Sifton offered Senate Resolution No. 703, regarding the Twenty-fifth Anniversary of the Self Help Center, Affton, which was adopted.

Senator Wasson offered Senate Resolution No. 704, regarding the Class 1 state champion Walnut Grove Lady Tigers basketball team, which was adopted.

Senator Munzlinger offered Senate Resolution No. 705, regarding the Ninetieth Birthday of Harlie A. Spratt, Ewing, which was adopted.

Senator Schaaf offered Senate Resolution No. 706, regarding Cheryl A. Sheets, St. Joseph, which was adopted.

Senators Sifton and Schmitt offered Senate Resolution No. 707, regarding Sappington Elementary School, Saint Louis, which was adopted.

Senator Curls offered Senate Resolution No. 708, regarding Alpha Kappa Alpha Sorority, which was adopted.

Senator Cunningham offered Senate Resolution No. 709, regarding the Ninety-fifth Birthday of Majorie Hjelmeng, Marshfield, which was adopted.

Senator Parson offered Senate Resolution No. 710, regarding the 45th Anniversary Brumley Gospel Sing, Lebanon, which was adopted.

Senator Pearce offered Senate Resolution No. 711, regarding Dr. Marianne E. Inman, Fayette, which was adopted.

Senator Pearce offered Senate Resolution No. 712, regarding the Johnson County Historical Society, Warrensburg, which was adopted.

Senator Sater offered Senate Resolution No. 713, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Boyd Arthur, La Russell, which was adopted.

Senator Schaefer offered Senate Resolution No. 714, regarding Corrections Officer I Cindy Aholt, which was adopted.

Senator Lager offered Senate Resolution No. 715, regarding Darryl Johnson, Smithville, which was adopted.

Senator Libla offered Senate Resolution No. 716, regarding Jan Bell, which was adopted.

Senator Libla offered Senate Resolution No. 717, regarding the Gorty and Bob Aslin family, which was adopted.

Senator Libla offered Senate Resolution No. 718, regarding Granny Pickers, which was adopted.

Senator Libla offered Senate Resolution No. 719, regarding Kevin Eskew, which was adopted.

Senator Libla offered Senate Resolution No. 720, regarding the Bloomfield Public Library, which was adopted.

Senator Libla offered Senate Resolution No. 721, regarding Kenneth Allen, which was adopted.

Senator Libla offered Senate Resolution No. 722, regarding Doris Carter, which was adopted.

Senator McKenna offered Senate Resolution No. 723, regarding Gary W. Kilb, Cedar Hill, which was adopted.

Senator Wasson offered Senate Resolution No. 724, regarding Class 4 state champion Republic High School Boys basketball team, which was adopted.

Senator Wasson offered Senate Resolution No. 725, regarding Spokane High School, which was adopted.

Senator Wasson offered Senate Resolution No. 726, regarding Dennise Potter, Springfield, which was adopted.

Senator Emery offered Senate Resolution No. 727, regarding Glenda Lenox, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 291** be taken up for perfection, which motion prevailed.

President Kinder assumed the Chair.

At the request of Senator Rupp, **SB 291** was placed on the Informal Calendar.

Senator Munzlinger moved that **SB 231** be taken up for perfection, which motion prevailed.

Senator Lager assumed the Chair.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 231, Page 1, In the Title, Line 3 of the title, by striking “debt setoffs for unpaid healthcare expenses” and inserting in lieu thereof the following: “emergency services”; and

Further amend said bill, Page 10, Section 143.790, Line 321, by inserting after all of said line the following:

“190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician’s license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; [and]

(5) Ability to speak, read and write the English language; **and**

(6) For emergency medical technicians practicing in a city with a population of more than three hundred thousand, the ability to communicate with and treat hearing impaired patients.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Munzlinger, **SB 231**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Schaefer moved that **SB 226**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 226**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to repeal sections 56.700, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.390, and 632.430, RSMo, and to enact in lieu

thereof sixteen new sections relating to mental health services.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 226** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 226, Page 1, Section 56.700, Lines 4-5, by striking said lines and inserting in lieu thereof the following: “**inhabitants, which contains an inpatient mental health facility which is operated**”; and further amend line 6, by inserting after “services,” the following: “**or the University of Missouri,**”; and

Further amend said bill and section, page 2, lines 27-28, by striking said lines and inserting in lieu thereof the following: “**inhabitants, which contains an inpatient mental health facility which is operated**”; and further amend line 29, by inserting after “services,” the following: “**or the University of Missouri,**”.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 226, Page 3, Section 632.005, Lines 24-25, by striking the following: “by reason of the person's developmental disability alone” and inserting in lieu thereof the following: “**unless such person also has a mental illness or mental disorder. The determination of gravely disabled shall be based upon the person’s mental illness or mental disorder**”.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **SB 226**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **SB 226**, as amended, was declared perfected and ordered printed.

Senator Wasson moved that **SB 282** be taken up for perfection, which motion prevailed.

Senator Wasson offered **SS** for **SB 282**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 282

An Act to repeal sections 174.700, 174.703, 174.706, 302.302, and 544.157, RSMo, and to enact in lieu thereof ten new sections relating to the regulation of motor vehicles, with penalty provisions.

Senator Wasson moved that **SS** for **SB 282** be adopted.

Senator Keaveny offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 282, Page 12, Section 304.894, Line 27, by inserting immediately after said line the following:

“307.178. 1. As used in this section, the term “passenger car” means every motor vehicle designed for

carrying ten persons or less and used for the transportation of persons; except that, the term “passenger car” shall not include motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section and section 307.179 shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under sixteen years of age, as provided in section 307.179.

3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff’s failure to wear a safety belt in violation of this section contributed to the plaintiff’s claimed injuries, and may reduce the amount of the plaintiff’s recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed [ten] **fifty** dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, for a violation of this section.

6. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The commission shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle

unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section 302.178.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion failed.

Senator Wasson moved that **SS** for **SB 282**, be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **SB 282**, was declared perfected and ordered printed.

The Senate observed a moment of silence for the victims of the Boston Marathon bombings.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 673**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 212**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 235**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 498**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Brown, Chairman of the Committee on Veterans’ Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans’ Affairs and Health, to which was referred **HCS** for **HB 159**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans’ Affairs and Health, to which was referred **HB 702**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the

following report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HCS** for **HB 233**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 787**, entitled:

An Act to repeal sections 32.090 and 136.055, RSMo, and to enact in lieu thereof four new sections relating to the department of revenue, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 533**, entitled:

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof two new sections relating to a state employee keeping a firearm in his or her vehicle, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 345**, entitled:

An Act to repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof thirteen new sections relating to broadband and wireless deployment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 28**, entitled:

An Act to repeal sections 44.080 and 49.266, RSMo, and to enact in lieu thereof two new sections relating to natural disaster ordinances, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 30**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 47**, entitled:

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to tanning facilities, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 137**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to state implementation of federal programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 217**, entitled:

An Act to repeal sections 33.300, 34.378, and 37.850, RSMo, and to enact in lieu thereof four new sections relating to the transparency and accountability of public funds, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 35**.

HOUSE CONCURRENT RESOLUTION NO. 35

WHEREAS, Senate Bill 749 was passed by the Ninety-sixth General Assembly, Second Regular Session, to protect our state from provisions of federal law which would essentially force religious institutions to provide insurance coverage for procedures and medications

which violate their core beliefs; and

WHEREAS, on July 12, 2012, the Honorable Jeremiah W. (Jay) Nixon, Governor of the state of Missouri, vetoed Senate Bill 749; and

WHEREAS, on September 12, 2012, the General Assembly voted to override the Governor's veto of Senate Bill 749 in order to protect the First Amendment rights of Missouri's citizens; and

WHEREAS, on March 18, 2013, a United States District Judge, the Honorable Audrey Fleissig, ruled that Senate Bill 749 was unconstitutional and issued a temporary restraining order preventing the state from enforcing statutory provisions contained in the bill; and

WHEREAS, as a result of Judge Fleissig's ruling numerous Missouri citizens, businesses, and religious organizations will be forced to either pay massive fines or provide insurance coverage for their employees for procedures that run counter to their religious beliefs; and

WHEREAS, the federal government lacks the authority to mandate that a business provide a commodity at no cost; and

WHEREAS, recently a federal judge in Michigan enjoined enforcement of the contraception mandate and prohibited the federal government from violating the religious freedom of business owners in that state.

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby requests the Honorable Chris Koster, Attorney General of the state of Missouri, to immediately appeal Judge Fleissig's decision on behalf of our state and argue on appeal that the federal contraception mandate violates the federal Religious Freedom Restoration Act, as well as the First Amendment right to freedom of religion.

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Chris Koster, Attorney General of the state of Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 215**, entitled:

An Act to repeal sections 43.518, 56.807, 488.026, 488.2250, 559.100, 559.105, 570.120, 600.042, 600.044, and 600.090, RSMo, and to enact in lieu thereof fourteen new sections relating to criminal procedure, with penalty provisions, an effective date and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 103**, entitled:

An Act to repeal sections 304.013, 304.032, and 304.034, RSMo, and to enact in lieu thereof three new sections relating to all-terrain and utility vehicle use in municipalities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 114**, entitled:

An Act to repeal sections 42.170, 42.200, 42.220, 167.020, and 301.020, RSMo, and to enact in lieu thereof nine new sections relating to benefits for members of the military, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 621**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto four new sections relating to port facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 505**, entitled:

An Act to repeal sections 160.261, 210.115, 556.061, 568.060, and 595.220, RSMo, and to enact in lieu thereof five new sections relating to child abuse and neglect, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 148**, entitled:

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 257**, entitled:

An Act to repeal sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, and to enact in lieu thereof twelve new sections relating to tuberculosis testing, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 326**, entitled:

An Act to repeal section 566.093, RSMo, and to enact in lieu thereof one new section relating to the crime of sexual misconduct in the second degree, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 418**, entitled:

An Act to repeal sections 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, and 86.1630, RSMo, and to enact in lieu thereof twenty-seven new sections relating to Kansas City police retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 850**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the bring jobs home act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 374** and **434**, entitled:

An Act to repeal sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, and to enact in lieu thereof twenty-three new sections relating to the transfer of judicial positions by the supreme court.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 373** and **435**, entitled:

An Act to repeal sections 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120,

478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, and 487.010, RSMo, and to enact in lieu thereof two new sections relating to the alteration of judicial boundaries by the supreme court, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 322**, entitled:

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof two new sections relating to the modernization of certain information provided by insurance companies, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 722**, entitled:

An Act to repeal section 86.257, RSMo, and to enact in lieu thereof one new section relating to police retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Libla offered Senate Resolution No. 728, regarding Gordon Johnston, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 729, regarding Lavah Lowe, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, Henry Allen, Ryan Flood, Jadon Lewis, Colin McDonald, Will Roske, Connor Rush, Sam Silva, Augie Sonnenberg, Brett Twenter, John Vohs and Noulin Voravong, members of Webelos Pack 150, St. Elizabeth Parish, Kansas City.

Senator Pearce introduced to the Senate, Assessor Mark Reynolds, Johnson County; and Collector Margie Bowman, Ray County, and her husband, Norm.

Senator Nieves introduced to the Senate, Tim Brinker, Washington.

Senator Sater introduced to the Senate, Assessors: Laura Pope, McDonald County; Sherry Sears, Barry County; Doug Bowerman, Lawrence County; and Rodger Ready, Benton County.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

 FIFTIETH DAY—TUESDAY, APRIL 16, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 787	HCS for HB 621
HB 533-Riddle, et al	HCS for HB 505
HCS for HB 345	HB 148-Davis, et al
HCS for HB 28	HCS for HB 257
HCS for HB 30	HB 326-Fitzwater
HB 47-Cross	HCS for HB 418
HCS for HB 137	HCS for HB 850
HB 217-Cox, et al	HCS for HBs 374 & 434
HCS for HB 215	HCS for HBs 373 & 435
HB 103-Kelley (127), et al	HB 322-Gosen, et al
HCS for HB 114	HCS for HB 722

THIRD READING OF SENATE BILLS

- | | |
|--|---|
| 1. SB 112-Rupp and Richard
(In Fiscal Oversight) | 7. SB 327-Dixon |
| 2. SS for SCS for SB 159-Schmitt
(In Fiscal Oversight) | 8. SB 304-Wasson |
| 3. SCS for SB 297-Lager (In Fiscal Oversight) | 9. SB 303-Wasson |
| 4. SCS for SB 381-Kraus (In Fiscal Oversight) | 10. SS for SB 251-Kraus (In Fiscal Oversight) |
| 5. SS for SB 252-Kraus (In Fiscal Oversight) | 11. SS for SB 245-Justus |
| 6. SS for SCS for SB 373-Munzlinger
(In Fiscal Oversight) | 12. SB 170-Chappelle-Nadal |
| | 13. SCS for SB 118-Kraus |
| | 14. SB 67-Dixon |
| | 15. SB 57-Romine |

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------|--------------------------------|
| 1. SB 366-Lamping, et al | 3. SB 256-Silvey, with SCS |
| 2. SB 205-Sater | 4. SB 432-Cunningham, with SCS |

- | | |
|--|-----------------------------|
| 5. SBs 317 & 319-Romine, with SCS | 15. SB 250-Schaaf, with SCS |
| 6. SB 401-Rupp | 16. SB 175-Wallingford |
| 7. SB 396-Holsman and Chappelle-Nadal,
with SCS | 17. SB 285-Romine |
| 8. SB 378-Pearce, with SCS | 18. SB 339-Romine |
| 9. SB 410-Kehoe | 19. SB 174-Parson, with SCS |
| 10. SB 133-Keaveny and Holsman, with SCS | 20. SB 441-Dempsey |
| 11. SB 210-Lamping and Nieves, with SCS | 21. SJR 2-Lager |
| 12. SB 455-Nieves, with SCS | 22. SB 315-Pearce |
| 13. SB 167-Sater and Wallingford, with
SCS | 23. SB 419-Lager, with SCS |
| 14. SB 343-Parson | 24. SB 411-Kehoe, with SCS |
| | 25. SB 141-Dempsey |
| | 26. SB 403-Rupp, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|---|
| SB 3-Rupp, with SA 1 (pending) | SB 207-Kehoe, et al, with SCS |
| SB 13-Schaefer, with SCS | SB 231-Munzlinger, with SA 1 (pending) |
| SB 21-Dixon | SB 239-Emery, with SCS & SA 2 (pending) |
| SB 22-Dixon | SB 272-Nieves, with SA 2 (pending) |
| SB 48-Lamping | SB 291-Rupp |
| SB 61-Keaveny, with SCA 1 (pending) | SB 292-Rupp |
| SB 65-Dixon, with SCS | SB 364-Parson |
| SB 82-Schaefer, with SCS | |

HOUSE BILLS ON THIRD READING

- HB 55-Flanigan and Allen, with SCS
(Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/15

- | | |
|-----------------------------|------------------------------------|
| HB 673-Schatz | HCS for HB 235 |
| HB 212-Cox, et al (Keaveny) | HB 498-Jones (50), et al, with SCS |

HCS for HB 159 (Kraus)
HB 702-Englund, et al, with SCS

HCS for HB 233, with SCS (Lamping)

RESOLUTIONS

To be Referred

HCR 35-Jones (110), et al

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—TUESDAY, APRIL 16, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Comfort, O comfort my people, says your God.” (Isaiah 40:1)

Lord, we continue to pray for the people of Boston, the one hundred forty hurt and three dead. We pray for healing and comfort for the victims and their families; may Your mercy and grace be with them. We give thanks for the first responders, the police and military personnel who were there to give aid and protection. We pray for the investigators in their efforts to find the person or persons who perpetrated this act of terror. We pray for understanding and learning from this tragedy and pray for justice to prevail. All this and whatever else You see we need please provide. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 730, regarding Bolivar High School, which was adopted.

Senator Parson offered Senate Resolution No. 731, regarding the Sixtieth Anniversary of the Boonslick Regional Library, which was adopted.

Senator Parson offered Senate Resolution No. 732, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Tyre, Lebanon, which was adopted.

Senator Dempsey offered Senate Resolution No. 733, regarding Peggy Manternach, Saint Charles, which was adopted.

Senator Schaefer offered Senate Resolution No. 734, regarding the Patriot Guard Riders of Central Missouri, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 381**; **SS** for **SCS** for **SB 373**; **SCS** for **SB 297**; **SS** for **SB 252**; **SS** for **SB 251**; **SS** for **SCS** for **SB 159**; and **SB 112**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

At the request of Senator Lamping, **SB 366** was placed on the Informal Calendar.

Senator Sater moved that **SB 205** be taken up for perfection, which motion prevailed.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 205, Page 1, Section A, Line 2, by inserting after all of said line the following:

“211.036. If a [child] **youth** under the age of [eighteen] **twenty-one** is released from the custody of the **children’s** division [of family services] and after such release it appears that it would be in such [child’s] **youth’s** best interest to have his **or her** custody returned to the **children’s** division [of family services], the juvenile officer, the **children’s** division [of family services] or the [child] **youth** may petition the court to return custody of such [child] **youth** to the division until the child is [eighteen] **twenty-one** years of age.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

Senator Emery offered **SA 1** to **SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Bill No. 205, Page 1, Line 3, by striking the word “a” and

inserting lieu thereof the following “**an**”; and further amend said line, by striking the word “youth” and inserting in lieu thereof the following: “**individual**” and further amend line 6 by striking the word “youth’s” and inserting in lieu thereof the following: “**individual’s**” and further amend line 9 by striking the word “youth” and inserting in lieu thereof the following: “**individual**” and further amend line 10 by striking the word “youth” and inserting in lieu thereof the following: “**individual**”; and further amend line 11 by striking the word “child” and inserting in lieu thereof the word “**individual**”.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Justus moved that **SA 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Sater, **SB 205**, as amended, was declared perfected and ordered printed.

Senator Silvey moved that **SB 256**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 256**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 256

An Act to repeal sections 210.950 and 211.447, RSMo, and to enact in lieu thereof two new sections relating to the safe place for newborns act.

Was taken up.

Senator Silvey moved that **SCS** for **SB 256** be adopted.

Senator Silvey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 256, Page 1, Section 210.950, Line 8, by striking “135.608” and inserting in lieu thereof the following: “**135.600**”.

Senator Silvey moved that the above amendment be adopted, which motion prevailed.

Senator Silvey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 256, Page 1, In the Title, Line 3, by striking the following: “the safe place for newborns act” and inserting in lieu thereof the following: “child abuse and neglect”; and

Further amend said bill, page 9, section 211.447, line 176, by inserting after all of said line the following:

“595.220. 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim’s guardian consents in writing to the examination; and

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of public safety. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of public safety, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim: examination charges submitted shall be itemized and fall within the definition of forensic examination as defined in subdivision (3) of subsection [7] 8 of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

7. The department of public safety shall establish rules regarding the reimbursement of the costs of forensic examinations for children under fourteen years of age, including establishing conditions and definitions for emergency and non-emergency forensic examinations and may by rule establish additional qualifications for appropriate medical providers performing non-emergency forensic examinations for children under fourteen years of age.

8. For purposes of this section, the following terms mean:

(1) "Appropriate medical provider",

(a) Any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section; **or**

(b) For the purposes of any non-emergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) of this subdivision by the rules authorized under subsection 7 of this section;

(2) “Evidentiary collection kit”, a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

(3) “Forensic examination”, an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;

(4) “Medical treatment”, the treatment of all injuries and health concerns resulting directly from a patient’s sexual assault or victimization;

(5) “Emergency forensic examination”, an examination of a person under fourteen years of age that occurs within five days of the alleged sexual offense. The department of public safety may further define the term “emergency forensic examination” by rule;

(6) “Non-emergency forensic examination”, an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term “non-emergency forensic examination” by rule.

[8.] **9.** The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Silvey moved that the above amendment be adopted, which motion prevailed.

Senator Romine offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 256, Page 9, Section 211.447, Line 176, by inserting after all of said line the following:

“Section 1. 1. A school district or charter school may provide annually to high school students enrolled in health education at least thirty minutes of age and grade appropriate classroom instruction relative to the safe place for newborns act of 2002 under section 210.950, which provides a mechanism whereby any parent may relinquish the care of an infant to the state in safety and anonymity and without fear of prosecution under certain specified conditions.

2. A school district or charter school that elects to offer such information pursuant to this section shall include the following:

(1) An explanation that relinquishment of an infant means to give over possession or control of the infant to other specified persons as provided by law with the settled intent to forego all parental responsibilities;

(2) The process to be followed by a parent in making a relinquishment;

(3) The general locations where an infant may be left in the care of certain people;

(4) The available options if a parent is unable to travel to a designated emergency care facility; and

(5) The process by which a relinquishing parent may reclaim parental rights to the infant and the time lines for taking this action.”; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 256, Section A, Line 3, by inserting after all of said section and line the following:

“210.861. 1. When the tax prescribed by section 210.860 or section 67.1775 is established, the governing body of the city or county or city not within a county shall appoint a board of directors consisting of nine members, who shall be residents of the city or county or city not within a county. All board members shall be appointed to serve for a term of three years, except that of the first board appointed, three members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. In a city not within a county, or any county of the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand inhabitants the members of the community mental health board of trustees appointed pursuant to the provisions of sections 205.975 to 205.990 shall be the board members for the community children’s services fund. The directors shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of his or her duties and faithful accounting of all moneys that may come into his or her hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors. The board shall administer and expend all funds generated pursuant to section 210.860 or section 67.1775 in a manner consistent with this section.

3. The board may contract with public or not-for-profit agencies licensed or certified where appropriate to provide qualified services and may place conditions on the use of such funds. The board shall reserve the right to audit the expenditure of any and all funds. The board and any agency with which the board contracts may establish eligibility standards for the use of such funds and the receipt of services. No member of the

board shall serve on the governing body, have any financial interest in, or be employed by any agency which is a recipient of funds generated pursuant to section 210.860 or section 67.1775.

4. Revenues collected and deposited in the community children's services fund may be expended for the purchase of the following services:

(1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or emotionally disturbed youth; respite care services; and services to unwed mothers;

(2) Outpatient chemical dependency and psychiatric treatment programs; counseling and related services as a part of transitional living programs; home-based and community-based family intervention programs; unmarried parent services; crisis intervention services, inclusive of telephone hotlines; **preventive services designed to prevent substance abuse and emotional abuse**; and prevention programs which promote healthy lifestyles among children and youth and strengthen families;

(3) Individual, group, or family professional counseling and therapy services; psychological evaluations; and mental health screenings

(4) Programs intended to improve children's and families' well-being by including juvenile delinquency prevention services to support families and enhance the positive development of youth, including up to one month of start-up fees for such programs.

5. Revenues collected and deposited in the community children's services fund may not be expended for inpatient medical, psychiatric, and chemical dependency services, or for transportation services.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 256, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“167.638. 1. The department of health and senior services shall develop an informational brochure relating to meningococcal disease, and that an immunization against meningococcal disease is available. The department shall make the brochure available on its website and shall notify each school district and charter school in this state of the availability of the brochure. Each school district and charter school shall provide a copy of the brochure to parents. Such information in the brochure shall include:

(1) The risk factors for developing meningococcal disease, the symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;

(2) How meningococcal disease is transmitted;

(3) The latest scientific information on the immunization against meningococcal disease and the immunization's effectiveness;

(4) A statement that any questions or concerns regarding immunizing the child against meningococcal disease could be answered by contacting the family's health care provider.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to

all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

174.335. 1. Beginning with the 2004-2005 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to [sign a written waiver stating that the institution of higher education has provided the student, or if the student is a minor, the student's parents or guardian, with detailed written information on the risks associated with meningococcal disease and the availability and effectiveness of] **have received the meningococcal vaccine unless a signed statement of medical or religious exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a doctor licensed under chapter 334, indicating that either the immunization would seriously endanger the student's health or life or the student has documentation of disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious beliefs.**

2. [Any student who elects to receive the meningococcal vaccine shall not be required to sign a waiver referenced in subsection 1 of this section and shall present a record of said vaccination to the institution of higher education.

3.] Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college[, including any written waivers executed pursuant to subsection 1 of this section]. **The department of health and senior services shall oversee, supervise, and secure the enforcement of this section. The department of health and senior services may promulgate rules and regulations governing the requirements of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.**

[4.] **3.** Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.”; and

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 256, Page 1, Section A, Line 3, by inserting after all of said line the following:

“160.2110. 1. The task force on the prevention of sexual abuse of children established in section

160.2100 may adopt and implement a policy addressing sexual abuse of children that may include:

- (1) Age-appropriate curriculum for students in pre-K through fifth grade;
- (2) Training for school personnel on child sexual abuse;
- (3) Educational information to parents or guardians provided in the school handbook on the warning signs of a child being abused, along with any needed assistance, referral, or resource information;
- (4) Available counseling and resources for students affected by sexual abuse; and
- (5) Emotional and educational support for a child of abuse to continue to be successful in school.

2. Any policy adopted may address without limitation:

- (1) Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;
- (2) Actions that a child who is a victim of sexual abuse could take to obtain assistance and intervention; and
- (3) Available counseling options for students affected by sexual abuse.

3. Once the task force has adopted the policy as described under subsection 1 of this section, the department of elementary and secondary education shall implement the provisions of said policy including the promulgation of rules to accomplish such implementation.” and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 256, Page 2, Section 210.950, Line 36, by striking the words: “a parent voluntarily relinquishing a child under this section”; and further amend lines 37-41 by striking all of said lines and further amend line 42 by striking the word “addition,”.

Senator Schaaf moved that the above amendment be adopted, which motion failed.

Senator Silvey moved that **SCS** for **SB 256**, as amended, be adopted, which motion prevailed.

On motion of Senator Silvey, **SCS** for **SB 256**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 218**, entitled:

An Act to repeal sections 195.246 and 195.417, RSMo, and to enact in lieu thereof four new sections relating to controlled substances, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 197**, entitled:

An Act to repeal sections 67.463 and 67.469, RSMo, and to enact in lieu thereof six new sections relating to sales tax and revenue bonds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 526**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to rural regional development grants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 404** and **614**, entitled:

An Act to repeal sections 287.067 and 287.243, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 343**, entitled:

An Act to repeal sections 208.010, 208.022, 208.027, 208.042, 208.048, 208.152, and 208.182, RSMo, and to enact in lieu thereof twelve new sections relating to public assistance, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 194**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for job creation for new home purchasers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Photographers from ABC 17 News were given permission to take pictures in the Senate Chamber.

REPORT OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 282** and **SCS** for **SB 226**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Kehoe, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaaf.

THIRD READING OF SENATE BILLS

SB 112, introduced by Senators Rupp and Richard, entitled:

An Act to repeal section 135.680, RSMo, and to enact in lieu thereof one new section relating to the new markets tax credit, with an emergency clause.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SB 112** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine
Rupp	Sater	Schmitt	Sifton	Silvey	Walsh	Wasson—23	

NAYS—Senators

Brown	Emery	Kraus	Lager	Lamping	LeVota	Libla	Nieves
Schaaf	Schaefer	Wallingford—11					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine
Rupp	Sater	Schmitt	Sifton	Silvey	Walsh	Wasson—23	

NAYS—Senators

Brown	Emery	Kraus	Lager	Lamping	LeVota	Libla	Nieves
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Schaaf Schaefer Wallingford—11

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 159, introduced by Senator Schmitt, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 159

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

Was taken up.

On motion of Senator Schmitt, **SS for SCS for SB 159** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

SCS for SB 297, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 297**

An Act to repeal sections 249.645, 393.320, 393.760, 393.1000, and 393.1003, RSMo, and to enact in lieu thereof seven new sections relating to ratemaking for water utilities.

Was taken up by Senator Lager.

Senator Lager moved that **SCS for SB 297** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS—Senators

Cunningham	Dempsey	Dixon	Emery	Keaveny	Kehoe	Kraus	Lager
McKenna	Munzlinger	Richard	Rupp	Sater	Schaefer	Walsh	Wasson—16

NAYS—Senators

Brown	Curls	Holsman	Justus	Lamping	LeVota	Libla	Nasheed
Nieves	Parson	Pearce	Romine	Schaaf	Schmitt	Sifton	Silvey

Wallingford—17

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—None

SCS for SB 381, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 381**

An Act to amend chapter 178, RSMo, by adding thereto one new section relating to the innovation education campus fund.

Was taken up by Senator Kraus.

On motion of Senator Kraus, **SCS for SB 381** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SB 252**, introduced by Senator Kraus, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 252

An Act to repeal sections 50.535, 301.3031, 302.181, 302.183, 571.030, 571.037, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, and 571.121, and to enact in lieu thereof sixteen new sections relating to licenses issued by the department of revenue, with an emergency clause for certain sections.

Was taken up.

On motion of Senator Kraus, **SS** for **SB 252** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Curls	Justus	Keaveny	Nasheed	Sifton—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Kehoe
Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Curls	Justus	Keaveny	LeVota	Nasheed	Sifton—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 373**, introduced by Senator Munzlinger, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 373

An Act to repeal sections 323.100 and 413.225, RSMo, and to enact in lieu thereof two new sections relating to agricultural weights and measures fees.

Was taken up.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 373** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Libla	Munzlinger	Nasheed	Parson	Pearce
Richard	Romine	Sater	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Kraus	Lager	Lamping	LeVota	McKenna	Nieves	Rupp	Schaaf—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 327, introduced by Senator Dixon, entitled:

An Act to repeal sections 544.455 and 557.011, RSMo, and to enact in lieu thereof two new sections relating to the cost of electronic monitoring, with existing penalty provisions.

Was taken up.

On motion of Senator Dixon, **SB 327** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 304, introduced by Senator Wasson, entitled:

An Act to repeal section 334.715, RSMo, and to enact in lieu thereof one new section relating to the restriction of athletic trainers' licenses.

Was taken up.

On motion of Senator Wasson, **SB 304** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 303, introduced by Senator Wasson, entitled:

An Act to repeal section 338.220, RSMo, and to enact in lieu thereof one new section relating to pharmacy permits.

Was taken up.

On motion of Senator Wasson, **SB 303** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SB 251**, introduced by Senator Kraus, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 251

An Act to repeal sections 578.375, 578.377, 578.379, 578.381, 578.383, 578.389, and 578.390, RSMo, and to enact in lieu thereof nine new sections relating to public assistance fraud and abuse, with penalty provisions.

Was taken up.

On motion of Senator Kraus, **SS** for **SB 251** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SB 245**, introduced by Senator Justus, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 245

An Act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to waiver of court costs and expenses in civil cases.

Was taken up.

On motion of Senator Justus, **SS** for **SB 245** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 170, introduced by Senator Chappelle-Nadal, entitled:

An Act to repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to

participation by members of public governmental bodies in roll call votes.

Was taken up.

On motion of Senator Chappelle-Nadal, **SB 170** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Chappelle-Nadal, title to the bill was agreed to.

Senator Chappelle-Nadal moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for **SB 118**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 118

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

Was taken up by Senator Kraus.

On motion of Senator Kraus, **SCS** for **SB 118** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 67, introduced by Senator Dixon, entitled:

An Act to repeal sections 30.750, 173.003, 173.051, 173.236, 173.239, 173.254, 173.260, 173.262, 173.778, 174.231, 174.700, 174.703, 174.706, 174.770, and 544.157, RSMo, and to enact in lieu thereof seventeen new sections relating to higher education.

Was taken up.

On motion of Senator Dixon, **SB 67** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 57, introduced by Senator Romine, entitled:

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to the removal of weeds or trash in certain cities.

Was taken up.

On motion of Senator Romine, **SB 57** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla

McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 256** and **SB 205**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 256** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **HCR 35** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 735, regarding Shirley Jefferis Essary, Fair Grove, which was adopted.

Senator Kehoe offered Senate Resolution No. 736, regarding Warren P. Brandt, Holts Summit, which was adopted.

Senator LeVota offered Senate Resolution No. 737, regarding Dr. Jim Hinson, which was adopted.

Senator Nasheed offered Senate Resolution No. 738, regarding Epsilon Lambda Chapter of Alpha Phi Alpha Fraternity, Incorporated, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Christopher Kendrick, Michael James, Michael D. Pope, Kurt Himmelmann and students: Ethan Harper, Jack Schoephoerster, Charlie Ebbesmeyer, Lilly Tarakai, Annaliese Moore and Rachael Bishop, representatives of Fayette High School Student Government.

Senator Richard introduced to the Senate, Dr. Phillip Cook, Superintendent, Carl Junction School District and his daughter, Kylee; and Kylee was made an honorary page.

Senator LeVota introduced to the Senate, the Physician of the Day, Dr. Bridget McCandless, Independence.

Senator Lamping introduced to the Senate, Denise Kuse and fourth grade students from Drummond Elementary School, St. Louis.

Senator Pearce introduced to the Senate, Hanah Janik, Concordia.

Senator Richard introduced to the Senate, coaches Jeremy Phillips and Josh Sonis, Andy Pille and members of the Class 3 State Champion Neosho High School wrestling team: Kyler Rea, John Williams, River Buttram, Dakota McGarrah, Nate Rodriquez, Jason Box, Kyle Hostetter, Sam Williams, Chance Branstetter, Jacob Brock, Ben Elledge, Christian Lopez, and Aaron Clardy.

Senator Sater introduced to the Senate, Larry Moennig, Randy Henderson and Landon Fletcher, Monett.

Senator Schmitt introduced to the Senate, Kim Drury, Lynn Lopez, parents and fourth grade students from St. Peters School, Kirkwood; and Sara Werner, Joe Kammer, Lily Bayer, Jackson Fortner, Ella and Grace Kertz, and Teddy Sudekum were made honorary pages.

Senator Munzlinger introduced to the Senate, Dennis Miller and ten students, Home Schoolers from Kirksville.

Senator Pearce introduced to the Senate, Rita Hildebrand and third and fourth grade students from New York Elementary, Hamilton.

Senator Holsman introduced to the Senate, Mayor Steve Dennis, Grandview; and Brandon Boulware and Jeremy Suhr, Kansas City.

Senator Curls introduced to the Senate, Dr. John Gianino, Dr. Michael O'Dell, Dr. Mark Steele, Truman Medical Center, Kansas City.

Senator Pearce introduced to the Senate, Dan and Debbie Janik, Concordia.

Senator Justus introduced to the Senate, fifth and sixth grade students from St. Ignatius, Marthasville.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY—WEDNESDAY, APRIL 17, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 787	HCS for HB 257
HB 533-Riddle, et al	HB 326-Fitzwater
HCS for HB 345	HCS for HB 418
HCS for HB 28	HCS for HB 850
HCS for HB 30	HCS for HBs 374 & 434
HB 47-Cross	HCS for HBs 373 & 435
HCS for HB 137	HB 322-Gosen, et al
HB 217-Cox, et al	HCS for HB 722
HCS for HB 215	HB 218-Cox, et al
HB 103-Kelley (127), et al	HCS for HB 197
HCS for HB 114	HB 526-Franklin, et al
HCS for HB 621	HCS for HBs 404 & 614
HCS for HB 505	HCS for HB 343
HB 148-Davis, et al	HCS for HB 194

THIRD READING OF SENATE BILLS

SS for SB 282-Wasson	SCS for SB 256-Silvey (In Fiscal Oversight)
SCS for SB 226-Schaefer	SB 205-Sater

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 432-Cunningham, with SCS | 8. SB 210-Lamping and Nieves, with SCS |
| 2. SBs 317 & 319-Romine, with SCS | 9. SB 455-Nieves, with SCS |
| 3. SB 401-Rupp | 10. SB 167-Sater and Wallingford, with SCS |
| 4. SB 396-Holsman and Chappelle-Nadal,
with SCS | 11. SB 343-Parson |
| 5. SB 378-Pearce, with SCS | 12. SB 250-Schaaf, with SCS |
| 6. SB 410-Kehoe | 13. SB 175-Wallingford |
| 7. SB 133-Keaveny and Holsman, with SCS | 14. SB 285-Romine |
| | 15. SB 339-Romine |

16. SB 174-Parson, with SCS
 17. SB 441-Dempsey
 18. SJR 2-Lager
 19. SB 315-Pearce

20. SB 419-Lager, with SCS
 21. SB 411-Kehoe, with SCS
 22. SB 141-Dempsey
 23. SB 403-Rupp, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
 SB 13-Schaefer, with SCS
 SB 21-Dixon
 SB 22-Dixon
 SB 48-Lamping
 SB 61-Keaveny, with SCA 1 (pending)
 SB 65-Dixon, with SCS
 SB 82-Schaefer, with SCS

SB 207-Kehoe, et al, with SCS
 SB 231-Munzlinger, with SA 1 (pending)
 SB 239-Emery, with SCS & SA 2 (pending)
 SB 272-Nieves, with SA 2 (pending)
 SB 291-Rupp
 SB 292-Rupp
 SB 364-Parson
 SB 366-Lamping, et al

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
 (Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz
 HB 212-Cox, et al (Keaveny)
 HCS for HB 235
 HB 498-Jones (50), et al, with SCS

HCS for HB 159 (Kraus)
 HB 702-Englund, et al, with SCS
 HCS for HB 233, with SCS (Lamping)

RESOLUTIONS

Reported from Committee

HCR 5-Phillips
 HCR 19-Rowden, et al

SCR 13-Brown

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY—WEDNESDAY, APRIL 17, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is it not true that when we have God we have everything?” (St. Peter Julian)

Heavenly Father, we place ourselves and all that we are into Your loving hands. May our minds, our hearts and our wills abide in You and express to one another that which Your Holy Spirit prompts and leads us to do. And may Your right judgments be in all our decisions. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 739, regarding Nixa High School, which was adopted.

Senator Wasson offered Senate Resolution No. 740, regarding Aria Bell, which was adopted.

Senator Wasson offered Senate Resolution No. 741, regarding Beverly Tuter, Springfield, which was adopted.

Senator Curls offered Senate Resolution No. 742, regarding the Fiftieth Wedding Anniversary of Pastor L. Henderson Bell and First Lady Ethel Like-Bell, which was adopted.

Senator Munzlinger offered Senate Resolution No. 743, regarding David W. Hane, Brookfield, which was adopted.

Senator Schmitt offered Senate Resolution No. 744, regarding W.W. Keysor Elementary School, Kirkwood R-VII School District, which was adopted.

CONCURRENT RESOLUTIONS

Senator Pearce moved that **HCR 19** be taken up for adoption, which motion prevailed.

On motion of Senator Pearce, **HCR 19** was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Walsh	Wasson—27					

NAYS—Senators

Chappelle-Nadal	Holsman	Justus	Keaveny	Sifton—5
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Absent—Senators

Curls	Nieves—2
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Absent with leave—Senators—None

Vacancies—None

Senator Brown moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Brown, **SCR 13** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators—None

Vacancies—None

Senator Sater moved that **HCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Sater, **HCR 5** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators—None

Vacancies—None

Senator Schmitt assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 366** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Lamping offered **SS** for **SB 366**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 366

An Act to repeal sections 33.080 and 360.045, RSMo, and to enact in lieu thereof three new sections relating to rebuilding damaged infrastructure, with an existing penalty provision and an emergency clause.

Senator Lamping moved that **SS** for **SB 366** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 366, Pages 1-3, Section 33.080, by striking all of said section from the bill; and

Further amend said bill and page, section 33.295, line 28 by striking the words “any amount”; and

Further amend said bill and section, page 4, lines 1-4 by striking all of said lines and inserting in lieu

thereof the following: **“The state”**; and

Further amend said bill, pages 4-9, section 360.045 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Holsman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 366, Page 9, Section 360.045, Line 11, by inserting immediately after all of said line the following:

“Section 1. 1. In addition to all other state sales taxes collected, there shall be imposed and collected an additional one-tenth of a cent sales tax to be collected on all sales on which the sales taxes under chapter 144 are collected. Revenues derived from this additional sales tax amount shall be deposited into the disaster relief fund created in subsection 2 of this section.

2. There is hereby created in the state treasury the “Disaster Relief Fund”, which shall consist of money appropriated or collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for disaster relief in presidentially declared natural disaster areas in this state. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion failed.

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 366, Page 9, Section 360.045, Line 11, by inserting immediately after all of said line the following:

“374.150. 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the “Insurance Dedicated Fund”. The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all

fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

At the request of Senator Lamping, **SB 366**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Holsman offered Senate Resolution No. 745, regarding Alexander J. “A.J.” Stone, which was adopted.

Senator Holsman offered Senate Resolution No. 746, regarding Pamela Pinkerton, which was adopted.

Senator Lamping offered Senate Resolution No. 747, regarding Dagmar Smith, which was adopted.

Senator Lamping offered Senate Resolution No. 748, regarding Ariana Stein, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 366**, with **SS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Chappelle-Nadal offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 366, Page 3, Section 33.295, Lines 16-20, by striking all of said lines and inserting in lieu thereof the following: “**disaster, including, but not limited to, the**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 366, Page 4, Section 33.295, Line 15, by inserting immediately after all of said line the following:

“67.1020. Nongovernmental agencies congressionally mandated to provide disaster relief services shall be exempt from paying a transient guest tax imposed under this chapter and chapters 66, 92, and 94. No such tax shall be imposed on any person where payment is being made by such an agency.

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public

highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total

cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations

which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser’s purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or

unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by

the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or

college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, “neutral site” means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority’s cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) Sales made to any person where payment is being made by a nongovernmental agency as part of a disaster relief service.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Lamping moved that **SS** for **SB 366**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SS** for **SB 366**, as amended, was declared perfected and ordered printed.

Senator Cunningham moved that **SB 432**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 432**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 432

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 432** be adopted.

Senator Cunningham offered **SS** for **SCS** for **SB 432**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 432

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

Senator Cunningham moved that **SS** for **SCS** for **SB 432** be adopted.

Senator McKenna offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 432, Page 2, Section 196.056, Line 3, by inserting after all of said line the following:

“5. This section shall not apply to any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.”.

Senator McKenna moved that the above amendment be adopted.

At the request of Senator McKenna, **SA 1** was withdrawn.

Senator McKenna offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 432, Page 2, Section 196.050, Line 3, by inserting after all of said line the following:

“5. This section shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any city not within a county, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.”.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Sater offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 432, Page 1, Section 196.056, Lines 12-13, by striking the following: “at least seven calendar days”.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SS** for **SCS** for **SB 432**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 432**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 366**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SB 366** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Romine moved that **SB 317** and **SB 319**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 317** and **319**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 317 and 319**

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof four new sections relating to providing and presenting certain insurance documents through electronic means, with penalty provisions.

Was taken up.

Senator Romine moved that **SCS** for **SBs 317** and **319** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 317 and 319, Page 6, Section 379.011, Line 96, by striking the word “from” and inserting in lieu thereof the following: “**between the insurer and**”; and

Further amend said bill, page 7, section 379.012, line 20, by inserting immediately after the word “endorsements” the following: “**for a period of five years**”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator LeVota offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 317 and 319, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “relating to the regulation of motor vehicles.”; and

Further amend said bill, page 2, section 301.149, line 22, by inserting immediately after said line the following:

“301.301. [1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2.] Any person replacing a stolen license plate tab [issued prior to January 1, 2009,] may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion prevailed.

Senator Romine moved that **SCS** for **SBs 317** and **319**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **SBs 317** and **319**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 749, regarding Professor Gerald L. Early, which was adopted.

COMMUNICATIONS

Senator Brown submitted the following:

April 17, 2013

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Rule 45, I hereby request that SCS for HB 702 be removed from the Consent Calendar.

Sincerely,
/s/ Dan W. Brown
DAN W. BROWN
STATE SENATOR, 16th DISTRICT

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Carol Gregg, Chillicothe.

Senator Richard introduced to the Senate, Kirby Newport, Walter Wickland and students: Holly Powell, Joseph Perdomo, Mackenzie Smart, Clarence Hill, Carhryn Siebert, Mary Riley, Mercedes Murray and Angela Davis, Carthage High School.

Senator Romine introduced to the Senate, Doug Watson, Ste. Genevieve.

Senator Lamping introduced to the Senate, Mindy Rugger, Chip Lanaki and fourth grade students from Drummond Elementary, St. Louis.

Senator Schaaf introduced to the Senate, 2012-2013 Leadership Academy from Breckenridge, Lawson, Maryville, Mid Buchanan, North Daviess, Richmond, Savannah, Southwest Livingston and Winston school districts.

Senator Pearce introduced to the Senate, Licensed Practical Nurses from Lex-La Ray Technical Center, Lexington.

Senator Richard introduced to the Senate, fourth grade students from McKinley Elementary School, Joplin.

Senator Silvey introduced to the Senate, former State Representative Tim Flook, Liberty; and eighth grade students from St. Andrew the Apostle School, Gladstone.

Senator Munzlinger introduced to the Senate, Robert Scanlon, D.O., Margaret Wilson, D.O., Mark Hahn, D.O., Justin Puckett, D.O., Jeff Kerr, Malorie Howe and Dr. James Tucker, representatives of Osteopath Week.

Senator Justus introduced to the Senate, Miss Missouri USA Ellie Holtman and her father, Jack Holtman, Montgomery County.

Senator Sater introduced to the Senate, Harrison Jobes, Springfield; and Harrison was made an honorary page.

Senator Kehoe introduced to the Senate, Ms. Laura Van Dyke and Ms. Dayna Limbach, parents and thirty-five fourth grade students from Eugene Elementary School.

Senator Curls introduced to the Senate, Liz Flook and her daughter, Cassie Flook, Kansas City.

Senator Brown introduced to the Senate, Jenny Pherigo and Licenced Practical Nurses from Rolla Technical Center.

Senator Richard introduced to the Senate, Coach Brian Scott, Mr. Aldrich and Mrs. Thogmartin and FFA students: Nate Van Dorn, Nickolas Manley, Zayne Aldrich, Amanda Gannan and Kaitlyn Sage, Neosho.

Senator Walsh introduced to the Senate, Rose Sigeas, Melissa Rechtien and thirty-one eighth grade students from St. Rose Philippine Duchesne, Florissant; and Andrew Flynn, Veronica Loomis, Derek Rechtien and Kendra Southard were made honorary pages.

Senator Sater introduced to the Senate, students from College of the Ozarks, Point Lookout.

Senator Pearce introduced to the Senate, Superintendent Aerin O'Dell, Orrick School District.

Senator Nieves introduced to the Senate, the Physican of the Day, Dr. Stephen R. Smith, Chesterfield.

On behalf of Senator Pearce, the President introduced to the Senate, his brother, Mark and Eddie Osborne, Lisa Irle, Kayla Mathews, Anne Mallinson and Paula Hertwig Hopkins, representatives of Johnson County Historical Society.

Senator Schmitt introduced to the Senate, representatives of West County Chamber of Commerce, St. Louis.

Senator Kehoe introduced to the Senate, Laura Hardecke, Jefferson City; and Jessica Dudenhoeffer, Freeburg.

Senator Libla introduced to the Senate, Barry Aycock, Parma; Ted Maltbia, New Madrid; and Burley McIntyre, Bell City.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY—THURSDAY, APRIL 18, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 787
HB 533-Riddle, et al
HCS for HB 345
HCS for HB 28

HCS for HB 30
HB 47-Cross
HCS for HB 137
HB 217-Cox, et al

HCS for HB 215
HB 103-Kelley (127), et al
HCS for HB 114
HCS for HB 621
HCS for HB 505
HB 148-Davis, et al
HCS for HB 257
HB 326-Fitzwater
HCS for HB 418
HCS for HB 850

HCS for HBs 374 & 434
HCS for HBs 373 & 435
HB 322-Gosen, et al
HCS for HB 722
HB 218-Cox, et al
HCS for HB 197
HB 526-Franklin, et al
HCS for HBs 404 & 614
HCS for HB 343
HCS for HB 194

THIRD READING OF SENATE BILLS

SS for SB 282-Wasson
SCS for SB 226-Schaefer
SCS for SB 256-Silvey (In Fiscal Oversight)

SB 205-Sater
SS for SB 366-Lamping (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 401-Rupp
2. SB 396-Holsman and Chappelle-Nadal,
with SCS
3. SB 378-Pearce, with SCS
4. SB 410-Kehoe
5. SB 133-Keaveny and Holsman, with SCS
6. SB 210-Lamping and Nieves, with SCS
7. SB 455-Nieves, with SCS
8. SB 167-Sater and Wallingford, with SCS
9. SB 343-Parson
10. SB 250-Schaaf, with SCS

11. SB 175-Wallingford
12. SB 285-Romine
13. SB 339-Romine
14. SB 174-Parson, with SCS
15. SB 441-Dempsey
16. SJR 2-Lager
17. SB 315-Pearce
18. SB 419-Lager, with SCS
19. SB 411-Kehoe, with SCS
20. SB 141-Dempsey
21. SB 403-Rupp, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS

SB 21-Dixon
SB 22-Dixon

SB 48-Lamping	SB 239-Emery, with SCS & SA 2 (pending)
SB 61-Keaveny, with SCA 1 (pending)	SB 272-Nieves, with SA 2 (pending)
SB 65-Dixon, with SCS	SB 291-Rupp
SB 82-Schaefer, with SCS	SB 292-Rupp
SB 207-Kehoe, et al, with SCS	SB 364-Parson
SB 231-Munzlinger, with SA 1 (pending)	

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)	HB 498-Jones (50), et al, with SCS
HB 212-Cox, et al (Keaveny)	HCS for HB 159 (Kraus)
HCS for HB 235 (Parson)	HCS for HB 233, with SCS (Lamping)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—THURSDAY, APRIL 18, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rest. Rest. Rest in God’s love. The only work you are required now to do is to give your most intense attention to His still, small voice within.” (Madame Jeanne Guyon)

Gracious God, as we finish a full week and travel to loved ones, be with us so we arrive safely home. Help us to be mindful that our minds and bodies do need rest so that we may be capable to lead healthy and full lives; with sharp minds and energized bodies, rested in You so we can hear Your voice and be obedient. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 750, regarding the Sixtieth Anniversary of Sullivan County Memorial Hospital, Milan, which was adopted.

Senator Nieves offered Senate Resolution No. 751, regarding Mary Kleekamp, which was adopted.

Senator Nieves offered Senate Resolution No. 752, regarding James Allen Eagan, Union, which was adopted.

Senator Kehoe offered Senate Resolution No. 753, regarding Sally Hartman, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 754, regarding Kenneth Hartman, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 256** and **SS** for **SB 366**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SB 282**, introduced by Senator Wasson, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 282**

An Act to repeal sections 174.700, 174.703, 174.706, 302.302, and 544.157, RSMo, and to enact in lieu thereof ten new sections relating to the regulation of motor vehicles, with penalty provisions.

Was taken up.

On motion of Senator Wasson, **SS** for **SB 282** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None**Absent—Senators—None****Absent with leave—Senators—None****Vacancies—None**

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 226, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to repeal sections 56.700, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.390, and 632.430, RSMo, and to enact in lieu thereof sixteen new sections relating to mental health services.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS for SB 226** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 256, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 256

An Act to repeal sections 160.2110, 174.335, 210.861, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof eight new sections relating to child abuse and neglect.

Was taken up by Senator Silvey.

On motion of Senator Silvey, **SCS for SB 256** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schmitt
Sifton	Silvey	Walsh	Wasson—28				

NAYS—Senators

Emery	Kraus	Lager	Nieves	Wallingford—5
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Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

SB 205, introduced by Senator Sater, entitled:

An Act to repeal section 211.036, RSMo, and to enact in lieu thereof two new sections relating to foster children.

Was taken up.

On motion of Senator Sater, **SB 205** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater	Schmitt
Sifton	Silvey	Walsh	Wasson—28				

NAYS—Senators

Kraus	Lager	Nieves	Schaaf	Wallingford—5
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Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SB 366, introduced by Senator Lamping, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 366

An Act to repeal sections 33.080, 144.030, 360.045, and 374.150, RSMo, and to enact in lieu thereof six new sections relating to rebuilding damaged infrastructure, with an existing penalty provision and an emergency clause.

Was taken up.

On motion of Senator Lamping, **SS for SB 366** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 18, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeanne Marie Dee, 418 Mission Court, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Sandra L. Thomas, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 18, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Travis Ford, 1919 Brady Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2017, and until his successor is duly appointed and qualified; vice, Richard R. Popp, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 34**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS**

for **HB 315**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 53**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 112**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 308**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 473**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 437**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 423**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 68**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 371**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 53**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 163**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 199**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 457**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 377**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 448**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 109**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 259**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following report:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HCS** for **HBs 303** and **304**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 317** and **319** and **SS** for **SCS** for **SB 432**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Pearce assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 443**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to a pilot project for increasing children's access to incarcerated parents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 813**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to early stage business development corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 468**, entitled:

An Act to repeal sections 43.265, 174.700, 174.703, 174.706, 302.302, 544.157, 566.093, 566.135, 575.060, 575.070, 575.130, 610.021, 632.505, 650.120, and 650.350, RSMo, and to enact in lieu thereof twenty-eight new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 787**—Transportation and Infrastructure.

HB 533—General Laws.

HCS for **HB 345**—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 28—Jobs, Economic Development and Local Government.

HCS for HB 30—Small Business, Insurance and Industry.

HB 47—General Laws.

HCS for HB 137—Governmental Accountability and Fiscal Oversight.

HB 217—Governmental Accountability and Fiscal Oversight.

HCS for HB 215—Judiciary and Civil and Criminal Jurisprudence.

HB 103—Transportation and Infrastructure.

HCS for HB 114—Veterans' Affairs and Health.

HCS for HB 621—Jobs, Economic Development and Local Government.

HCS for HB 505—Education.

HB 148—Veterans' Affairs and Health.

HCS for HB 257—Veterans' Affairs and Health.

HB 326—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 418—Seniors, Families and Pensions.

HCS for HB 850—Jobs, Economic Development and Local Government.

HCS for HBs 374 and 434—Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 373 and 435—Judiciary and Civil and Criminal Jurisprudence.

HB 322—Small Business, Insurance and Industry.

HCS for HB 722—Seniors, Families and Pensions.

HB 218—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 197—Jobs, Economic Development and Local Government.

HB 526—Jobs, Economic Development and Local Government.

HCS for HBs 404 and 614—Small Business, Insurance and Industry.

HCS for HB 343—Governmental Accountability and Fiscal Oversight.

HCS for HB 194—Progress and Development.

RE-REFERRALS

President Pro Tem Dempsey re-referred **HCS for HB 46** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senators Dixon and Wasson offered Senate Resolution No. 755, regarding Coach Steve Hesser, Drury University Men's basketball program, Springfield, which was adopted.

Senators Dixon and Wasson offered Senate Resolution No. 756, regarding Drury University Women's Swimming and Diving Team, Springfield, which was adopted.

Senators Dixon and Wasson offered Senate Resolution No. 757, regarding Drury University Men's Swimming and Diving Team, Springfield, which was adopted.

Senators Dixon and Wasson offered Senate Resolution No. 758, regarding Drury University Men's Basketball Team, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wasson introduced to the Senate, the Physician of the Day, Dr. Bill Reynolds, Nixa.

Senator Romine introduced to the Senate, Jason and Amy Arens and their children, Jonathan, Logan and Asher, De Soto.

On behalf of Senator Dempsey and himself, Senator Rupp introduced to the Senate, his daughter, Noelle, and fifty-seven fourth grade students from Academy of the Sacred Heart, St. Charles.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Friday, April 19, 2013.

SENATE CALENDAR

FIFTY-THIRD DAY—FRIDAY, APRIL 19, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 443-Hubbard, et al
HCS for HB 813

HCS for HB 468

THIRD READING OF SENATE BILLS

SCS for SBs 317 & 319-Romine

SS for SCS for SB 432-Cunningham

SENATE BILLS FOR PERFECTION

1. SB 401-Rupp
2. SB 396-Holsman and Chappelle-Nadal,
with SCS
3. SB 378-Pearce, with SCS
4. SB 410-Kehoe
5. SB 133-Keaveny and Holsman, with SCS
6. SB 210-Lamping and Nieves, with SCS
7. SB 455-Nieves, with SCS

8. SB 167-Sater and Wallingford, with SCS
9. SB 343-Parson
10. SB 250-Schaaf, with SCS
11. SB 175-Wallingford
12. SB 285-Romine
13. SB 339-Romine
14. SB 174-Parson, with SCS
15. SB 441-Dempsey

- 16. SJR 2-Lager
- 17. SB 315-Pearce
- 18. SB 419-Lager, with SCS
- 19. SB 411-Kehoe, with SCS
- 20. SB 141-Dempsey
- 21. SB 403-Rupp, with SCS
- 22. SB 308-Schaaf
- 23. SB 383-Wallingford

- 24. SB 437-Pearce, with SCS
- 25. SB 423-Nasheed
- 26. SB 371-Munzlinger, with SCS
- 27. SB 53-Lamping
- 28. SB 377-Dixon
- 29. SB 448-Schmitt and Keaveny
- 30. SB 109-Brown, with SCS
- 31. SB 259-Schaaf, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. HB 34-Guernsey (Brown) 2. HCS for HB 315 (Wasson) 3. HB 53-Gatschenberger (Rupp) 4. HB 112-Burlison (Brown) 5. HCS for HB 473 | <ul style="list-style-type: none"> 6. HB 68-Kelley (127), et al (Lamping) 7. HB 163-Fitzpatrick and Dugger 8. HCS for HB 199 (Lamping) 9. HCS for HB 457, with SCS 10. HCS for HBs 303 & 304, with SCS |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| <ul style="list-style-type: none"> SB 3-Rupp, with SA 1 (pending) SB 13-Schaefer, with SCS SB 21-Dixon SB 22-Dixon SB 48-Lamping SB 61-Keaveny, with SCA 1 (pending) SB 65-Dixon, with SCS SB 82-Schaefer, with SCS | <ul style="list-style-type: none"> SB 207-Kehoe, et al, with SCS SB 231-Munzlinger, with SA 1 (pending) SB 239-Emery, with SCS & SA 2 (pending) SB 272-Nieves, with SA 2 (pending) SB 291-Rupp SB 292-Rupp SB 364-Parson |
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HOUSE BILLS ON THIRD READING

- HB 55-Flanigan and Allen, with SCS
(Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)

HB 212-Cox, et al (Keaveny)

HCS for HB 235 (Parson)
HB 498-Jones (50), et al, with SCS

HCS for HB 159 (Kraus)
HCS for HB 233, with SCS (Lamping)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY—FRIDAY, APRIL 19, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

RESOLUTIONS

On behalf of Senator Sater, Senator Kehoe offered Senate Resolution No. 759, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Cantwell, Cassville, which was adopted.

Senator Kehoe offered Senate Resolution No. 760, regarding Master Sergeant Carl Van Dinteren Nilges, Jefferson City, which was adopted.

On behalf of Senator Schmitt, Senator Kehoe offered Senate Resolution No. 761, regarding Christopher d'Amboise, which was adopted.

On behalf of Senator Schmitt, Senator Kehoe offered Senate Resolution No. 762, regarding Hank Barrere, Saint Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Schaefer, Chairman of the Committee on Appropriations, Senator Kehoe submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, April 22, 2013.

SENATE CALENDAR

FIFTY-FOURTH DAY—MONDAY, APRIL 22, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 443-Hubbard, et al
HCS for HB 813

HCS for HB 468

THIRD READING OF SENATE BILLS

SCS for SBs 317 & 319-Romine

SS for SCS for SB 432-Cunningham

SENATE BILLS FOR PERFECTION

1. SB 401-Rupp
2. SB 396-Holsman and Chappelle-Nadal,
with SCS
3. SB 378-Pearce, with SCS
4. SB 410-Kehoe
5. SB 133-Keaveny and Holsman, with SCS
6. SB 210-Lamping and Nieves, with SCS
7. SB 455-Nieves, with SCS
8. SB 167-Sater and Wallingford, with SCS
9. SB 343-Parson
10. SB 250-Schaaf, with SCS
11. SB 175-Wallingford
12. SB 285-Romine

13. SB 339-Romine
14. SB 174-Parson, with SCS
15. SB 441-Dempsey
16. SJR 2-Lager
17. SB 315-Pearce
18. SB 419-Lager, with SCS
19. SB 411-Kehoe, with SCS
20. SB 141-Dempsey
21. SB 403-Rupp, with SCS
22. SB 308-Schaaf
23. SB 383-Wallingford
24. SB 437-Pearce, with SCS
25. SB 423-Nasheed

26. SB 371-Munzlinger, with SCS
 27. SB 53-Lamping
 28. SB 377-Dixon

29. SB 448-Schmitt and Keaveny
 30. SB 109-Brown, with SCS
 31. SB 259-Schaaf, with SCS

HOUSE BILLS ON THIRD READING

1. HB 34-Guernsey (Brown)
 2. HCS for HB 315 (Wasson)
 3. HB 53-Gatschenberger (Rupp)
 4. HB 112-Burlison (Brown)
 5. HCS for HB 473 (Lager)
 6. HB 68-Kelley (127), et al (Lamping)
 7. HB 163-Fitzpatrick and Dugger (Sater)
 8. HCS for HB 199 (Lamping)
 9. HCS for HB 457, with SCS (Rupp)
 10. HCS for HBs 303 & 304, with SCS (Schmitt)
 11. HCS for HB 1, with SCS (Schaefer)
 12. HCS for HB 2, with SCS (Schaefer)

13. HCS for HB 3, with SCS (Schaefer)
 14. HCS for HB 4, with SCS (Schaefer)
 15. HCS for HB 5, with SCS (Schaefer)
 16. HCS for HB 6, with SCS (Schaefer)
 17. HCS for HB 7, with SCS (Schaefer)
 18. HCS for HB 8, with SCS (Schaefer)
 19. HCS for HB 9, with SCS (Schaefer)
 20. HCS for HB 10, with SCS (Schaefer)
 21. HCS for HB 11, with SCS (Schaefer)
 22. HCS for HB 12, with SCS (Schaefer)
 23. HCS for HB 13, with SCS (Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
 SB 13-Schaefer, with SCS
 SB 21-Dixon
 SB 22-Dixon
 SB 48-Lamping
 SB 61-Keaveny, with SCA 1 (pending)
 SB 65-Dixon, with SCS
 SB 82-Schaefer, with SCS

SB 207-Kehoe, et al, with SCS
 SB 231-Munzlinger, with SA 1 (pending)
 SB 239-Emery, with SCS & SA 2 (pending)
 SB 272-Nieves, with SA 2 (pending)
 SB 291-Rupp
 SB 292-Rupp
 SB 364-Parson

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
 (Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)

HB 212-Cox, et al (Keaveny)

HCS for HB 235 (Parson)

HB 498-Jones (50), et al, with SCS (Sifton)

HCS for HB 159 (Kraus)

HCS for HB 233, with SCS (Lamping)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY—MONDAY, APRIL 22, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“May integrity and uprightness preserve me for I wait for you.” (Psalm 25:21)

Almighty God, we return for another week, rested and ready for all that will call for our best as we will try to be upright mindful of what we are here to do. Let us be men and women of integrity as we serve our people addressing the issues that confront them and that call us to action. Bless us with wisdom and discernment so we may prove to be faithful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, April 18, 2013 and Friday, April 19, 2013 were read and approved.

Senator Richard announced photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 763, regarding Fred “Wimpy” Schaljo, Saint Louis, which was adopted.

Senator LeVota offered Senate Resolution No. 764, regarding Beth Vernon, which was adopted.

Senator LeVota offered Senate Resolution No. 765, regarding Michael Warnock, Lee’s Summit, which was adopted.

Senator Wallingford offered Senate Resolution No. 766, regarding Steve Wachter, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 767, regarding Renee Deken, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 768, regarding Casey LeMay Brennan, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 769, regarding Paul Fliege, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 770, regarding Cindy Rodgers, Whitewater, which was adopted.

Senator Munzlinger offered Senate Resolution No. 771, regarding Brian R. Pagliai, Kirksville, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 19, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182 entitled:

AN ACT

To repeal sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, RSMo, and to enact in lieu thereof thirteen new sections relating to taxes on motor vehicle sales, with an emergency clause.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182 is intended to address the Missouri Supreme Court’s 2012 decision in *Street v. Director of Revenue*. In that case, the Supreme Court held that a local sales tax could not be collected on the out-of-state purchase of motor vehicles, boats, trailers and outboard motors (“vehicles”). Instead, the Court found that such transactions were, under existing law, subject to a local use tax.

The *Street* decision does not affect cities and counties where voters have approved a local use tax; however, jurisdictions without a local use tax have been unable to collect taxes on out-of-state vehicle purchases as well as non-retail (“private”) vehicle transactions. As a result, associated revenues have since declined in those jurisdictions and auto dealers – particularly those situated near our borders – have experienced a decline in sales because more customers are buying from out-of-state dealers in order to avoid local taxes.

The General Assembly first attempted to address the *Street* decision last session with passage of Senate Substitute for House Committee Substitute for House Bill No. 1329. I vetoed that legislation for two fundamental reasons: (1) it circumvented the authority of local voters to approve matters concerning local taxation; and (2) it imposed the tax retroactively on already completed transactions. House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182 again seeks to restore the collection of local tax revenues to pre-*Street* amounts and to level the playing field for Missouri auto dealers. Both of these goals are understandable. And, consistent with my veto message from last year, House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182 would not retroactively tax transactions and, appropriately, does mandate a vote in jurisdictions that have not previously passed a local use tax.

Mandated Local Referendum Too Narrow

Unfortunately, the mandated local vote, as written in House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182, does not cover the full breadth of the expanded local sales tax. Rather, the referendum only permits voters in jurisdictions without a local use tax to repeal the sales tax on vehicles “purchased from vendors not located in Missouri”; it would not enable voters to repeal the local sales tax on non-retail (“private”) sales.

Regardless of whether this oversight was intentional or inadvertent, it is significant. In 2012, there were 112,000 vehicles purchased from out-of-state dealers. During that same time, non-retail sales exceeded that number by nearly six times (approx. 650,000). Therefore, while requiring a referendum properly recognizes that local voters should approve matters concerning local taxation, the mandated referendum would not apply to 85% of the transactions that would become subject to the local sales tax as the result of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182.

Voter participation in determining local tax policy was central to my prior veto of Senate Substitute for House Committee Substitute for House Bill No. 1329 and is again the focus of my action today. If a local tax is going to be imposed – even one that was previously collected prior to the *Street* decision – voter involvement must be our guiding principle. Denying the voters the ability to be heard on the entire scope of this tax is unacceptable and requires my disapproval.

Jeopardizes Local Sales Tax Revenues

As previously acknowledged, the partial impetus behind House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182 was to put local taxing jurisdictions in the position they were in prior to the *Street* decision. And the General Assembly was correct to provide voters in these jurisdictions with the opportunity to repeal this extension of the local sales tax. However, the General Assembly, perhaps unwittingly, used language that places counties and municipalities in jeopardy of losing even greater sales tax revenue. The perilous language, contained in the proposed Sec. 32.087.5(5), RSMo, would direct the governing body of a local taxing jurisdiction – that imposes a local sales tax on vehicle sales – to place a proposal on the ballot to repeal the application of the “local sales tax to such titling” if it receives a petition calling for such a proposal.

This language is problematic. Because all vehicle sales would be taxed upon titling under House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182, local voters could not repeal the local sales tax on out-of-state and non-retail vehicle transactions under the proposed Sec. 32.087.5(5), RSMo, without repealing the local sales tax on all vehicle transactions, including vehicles purchased in-state at retail.

Again, inadvertent or not, this would result in a loss of local revenue in an amount that would dwarf the economic impact caused by the *Street* decision, and would significantly hamper the ability of counties and cities to fund and perform critical functions and services. What’s more, in the event the titling tax is repealed by a majority of voters, there would be no mechanism to allow voters to reinstate the tax on all or even a portion of vehicle transactions.

Conclusion

It is noted that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182 is an effort to address both the *Street* decision’s economic impact on Missouri car dealers and local taxing jurisdictions as well as the principled objections concerning voter approval and retroactivity that I laid out in my veto message of Senate Substitute for House Committee Substitute for House Bill No. 1329. However, it falls short in both regards. The mandated referendum extends voters the opportunity to disapprove only a portion of the expanded local sales tax, and the repeal language put forth in Sec. 32.087.5(5) fails to parse transactions already covered by the local sales tax law from those that would be imposed by House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182, haphazardly placing counties and cities at risk of losing an even greater amount of local revenue. Because these are significant concerns, I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 182.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 253**, entitled:

An Act to repeal sections 143.071, 143.221, 144.020, and 144.030, RSMo, and to enact in lieu thereof five new sections relating to the taxation of businesses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 389**, entitled:

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified research expenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 175**, entitled:

An Act to repeal sections 67.457, 67.463, 67.469, 67.1521, 139.160, 139.170, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof eighteen new sections relating to procedures for the collection of local government funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 400**, entitled:

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to administration of abortion-inducing drugs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 510**, entitled:

An Act to repeal sections 347.039 and 347.153, RSMo, and to enact in lieu thereof three new sections relating to series limited liability companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 290**, entitled:

An Act to repeal sections 453.070 and 453.080, RSMo, and to enact in lieu thereof two new sections relating to adoption investigations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 252**, entitled:

An Act to repeal sections 211.444, 453.010, 453.065, and 453.080, RSMo, and to enact in lieu thereof seven new sections relating to adoption.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 733**, entitled:

An Act to repeal sections 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, and 68.259, RSMo, and to enact in lieu thereof ten new sections relating to port improvement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 351**, entitled:

An Act to repeal sections 197.080 and 197.100, RSMo, and to enact in lieu thereof two new sections relating to hospital licensure.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 436**, entitled:

An Act to repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fourteen new sections relating to firearms, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

HCS for **HB 1**, with **SCS**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds of these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds of these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 1** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Justus	Keaveny
Kehoe	Kraus	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senators

Lager Rupp—2

Absent with leave—Senators

Chappelle-Nadal Holsman—2

Vacancies—None

Senator Kehoe assumed the Chair.

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for HB 2, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 2, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 2** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Holsman	Justus	Keaveny	LeVota	Nasheed—5
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Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for HB 3, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 3, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 3** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Lager LeVota—2

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for HB 4, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 4, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 4** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey
Wallingford	Walsh	Wasson—27					

NAYS—Senators

Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed—6
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Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 5** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Kehoe
Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Justus	Keaveny	Kraus	Nasheed	Nieves—5
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Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

HCS for HB 6, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 6, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 6** be adopted.

Senator Nasheed offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 11, Section 6.230, Lines 43-44, by striking all of said lines from the bill; and
further amend said page and section, line 45 by striking the number “1,600,000” and inserting in lieu thereof the number “22,200,000”; and further amend said page and section, line 46 by striking the number “1,600,000” and inserting in lieu thereof the number “3,000,000”; and
further amend section and bill totals according.

Senator Nasheed moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Curls, Justus, Keaveny and LeVota.

Senator Nasheed offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 11, Section 6.230, Lines 43-44, by striking all of said lines from the bill; and
further amend said page and section, line 45 by striking the number “1,600,000” and inserting in lieu thereof the number “21,750,000”; and further amend said page and section, line 46 by striking the number “1,600,000” and inserting in lieu thereof the number “3,000,000”; and
further amend section and bill totals according.

Senator Nasheed moved that the above substitute amendment be adopted, which motion failed.

Senator Schaefer offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 11, Section 6.230, Line 42, by inserting immediately after said line, the following “provided that \$700,000 shall be used by the department”; and

Further amend said section, lines 43-44 by striking all of said lines from the bill; and

Further amend said page and section, line 45 by striking the number “1,600,000” and inserting in lieu thereof the number “4,050,000”; and

Further amend said page and section, line 46 by striking the number “1,600,000” and inserting in lieu thereof the number “3,000,000”; and

Further amend section and bill totals accordingly.

Senator Schaefer moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Curls, Justus, Keaveny and LeVota.

President Pro Tem Dempsey assumed the Chair.

Senator Nasheed offered **SA 1** to **SSA 2** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 1, Section 6.230, Line 5 by striking “5,605,000” and inserting in lieu thereof the following “22,000,100”.

Senator Nasheed moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators LeVota, Schaaf, Justus and Sater.

Senator Sater raised the point of order that **SA 1 to SSA 2 for SA 1** is out of order as it is incorrectly drafted.

At the request of Senator Nasheed, **SA 1 to SSA 2 for SA 1** was withdrawn rendering the point of order moot.

Senator Nasheed offered **SA 2 to SSA 2 for SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Section 6.230, Line 8 by striking “4,050,000” and inserting in lieu thereof “22,000,100”.

Senator Nasheed moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Justus, Keaveny, LeVota and Schaaf.

SA 2 to SSA 2 for SA 1 failed of adoption by the following vote:

YEAS—Senators

Holsman	Justus	Keaveny	LeVota	Nasheed	Schaaf	Wallingford—7
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NAYS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaefer	Schmitt	Sifton	Silvey	Walsh

Wasson—25

Absent—Senator Rupp—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

SSA 2 for SA 1 was again taken up.

At the request of Senator Schaefer, the request for a roll call vote was withdrawn.

Senator Schaefer moved that **SSA 2 for SA 1** be adopted, which motion prevailed.

SCS for **HCS** for **HB 6**, as amended, was again taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 6**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 6**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Holsman	Justus	Keaveny	LeVota	Nasheed	Schaaf—6
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Absent—Senator Rupp—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among

certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 7** be adopted.

Senator Schaaf assumed the Chair.

Senator Sater offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 11, Section 7.145, Lines 8-9, by striking all said lines; and

Further amend section and bill totals accordingly.

Senator Sater moved that the above amendment be adopted.

Senator Schaefer requested a roll call vote be taken and was joined in his request by Senators Justus, McKenna, Dempsey and Schmitt.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Emery	Holsman	Justus	Keaveny	LeVota	McKenna	Parson	Sater
Schaaf	Wallingford—10						

NAYS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine
Schaefer	Schmitt	Sifton	Silvey	Walsh	Wasson—22		

Absent—Senator Rupp—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

Senator Wallingford offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 9, Section 7.110, Line 16, by striking the number “100,000” and inserting in lieu thereof the following “200,000”; and

Further amend said section and bill totals accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion failed.

Senator Schmitt assumed the Chair.

Senator Schaefer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 5, Section 7.035, Line 9, by deleting the number “\$1,360,000” and inserting in lieu thereof the following: “\$6,360,000”; and

Further amend said bill and page, section 7.036, lines 1-3, by striking all of said section from the bill; and

Further amend said bill and page, section 7.040, line 5, by deleting the number “\$1,360,000” and inserting in lieu thereof the following: “\$6,360,000”; and

Further amend said bill and page, section 7.042, lines 1-5, by striking all of said section from the bill; and

Further amend section and bill totals accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 7**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Emery LeVota—2

Absent—Senator Rupp—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

Was taken up by Senator Schaefer.

SCS for HCS for HB 8, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 8** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for HB 9, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 9, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 9** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 10** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Holsman	Keaveny	Kehoe
Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed	Nieves
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Emery	Justus	LeVota—3
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Absent—Senators

Parson	Rupp—2
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Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

President Pro Tem Dempsey assumed the Chair.

Senator Schaefer moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Kehoe assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 34, Section 11.555, Line 33, by inserting after all of said line the following:

“Section 11.560. To the Department of Social Services

For the MO HealthNet Division

For Medicaid services for low-income adults

From Federal Funds \$890,474,624”

and further amend bill totals accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Holsman, Keaveny, LeVota and Walsh.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—22		

Absent—Senators

Parson	Rupp—2
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Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

Senator Dixon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 1, Section 11.005, Line 2, by inserting immediately after the word “Director”, the following: “provided that no funds shall be used for the salary of the legislative liaison”; and

Further amend said page and section, line 3, by deleting the number: “\$178,541” and insert in lieu thereof the number: “\$106,041”; and

Further amend said section, page 2, line 14, by deleting the number: “4.25” and insert in lieu thereof the number: “3.25”; and

Further amend said bill, page 12, section 11.200, line 4, by deleting the number: “\$27,542,105” and insert in lieu thereof the number: “\$27,614,605”; and

Further amend said section, page 13, line 20, by deleting the number: “1,931.38” and insert in lieu thereof the number: “1,933.38”; and

Further amend sections and bill totals accordingly.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 11**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Kehoe	Kraus	Lamping	Libla
Munzlinger	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Silvey	Wallingford	Wasson—20				

NAYS—Senators

Curls	Emery	Holsman	Justus	Keaveny	Lager	LeVota	McKenna
Nasheed	Sifton	Walsh—11					

Absent—Senators

Parson	Rupp—2
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Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for HB 12, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

Was taken up by Senator Schaefer.

SCS for HCS for HB 12, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 12** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Parson Rupp—2

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for HB 13, with SCS, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 13, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 13** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Parson	Rupp—2
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Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 339**, entitled:

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 274**, entitled:

An Act to amend chapters 167 and 191, RSMo, by adding thereto two new sections relating to newborn screenings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1035**, entitled:

An Act to repeal sections 137.073 and 137.720, RSMo, and to enact in lieu thereof two new sections

relating to amended property tax rate filings with the office of the state auditor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 747**, entitled:

An Act to repeal sections 313.800, 313.812, 313.817, and 313.830, RSMo, and to enact in lieu thereof four new sections relating to financial transactions of gaming establishments, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 593** and **695**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the Missouri oral chemotherapy parity interim committee.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 340**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to daylight saving time elimination.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 698**, entitled:

An Act to repeal sections 32.115, 99.1205, 100.850, 135.305, 135.350, 135.352, 135.460, 135.484, 135.535, 135.679, 135.680, 135.700, 135.710, 135.750, 135.967, 143.119, 208.770, 217.905, 253.545, 253.550, 253.557, 253.559, 348.434, 447.708, 620.1039, and 620.1881, RSMo, and to enact in lieu thereof forty-one new sections relating to tax incentives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Dempsey referred **HB 34** and **HCS** for **HB 473** to the Committee on Governmental

Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

On behalf of Senator Kehoe, the President introduced to the Senate, Hunter Wyss, and his parents, Bryan and Linda, Vienna.

On motion of Senator Richard, the Senate adjourned until 11:00 a.m., Tuesday, April 23, 2013.

SENATE CALENDAR

FIFTY-FIFTH DAY—TUESDAY, APRIL 23, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HB 443-Hubbard, et al

HCS for HB 813

HCS for HB 468

HB 253-Berry, et al

HCS for HB 389

HCS for HB 175

HB 400-Riddle, et al

HB 510-Torpey and Wieland

HCS for HB 290

HCS for HB 252

HB 733-Berry, et al

HCS for HB 351

HCS for HB 436

HB 339-Wieland, et al

HB 274-Brattin, et al

HCS for HB 1035

HB 747-Scharnhorst

HCS for HBs 593 & 695

HCS for HB 340

HCS#2 for HB 698

THIRD READING OF SENATE BILLS

SCS for SBs 317 & 319-Romine

SS for SCS for SB 432-Cunningham

SENATE BILLS FOR PERFECTION

1. SB 401-Rupp

2. SB 396-Holsman and Chappelle-Nadal,
with SCS

3. SB 378-Pearce, with SCS

4. SB 410-Kehoe

5. SB 133-Keaveny and Holsman, with SCS

- | | |
|---|---------------------------------|
| 6. SB 210-Lamping and Nieves, with SCS | 19. SB 411-Kehoe, with SCS |
| 7. SB 455-Nieves, with SCS | 20. SB 141-Dempsey |
| 8. SB 167-Sater and Wallingford, with SCS | 21. SB 403-Rupp, with SCS |
| 9. SB 343-Parson | 22. SB 308-Schaaf |
| 10. SB 250-Schaaf, with SCS | 23. SB 383-Wallingford |
| 11. SB 175-Wallingford | 24. SB 437-Pearce, with SCS |
| 12. SB 285-Romine | 25. SB 423-Nasheed |
| 13. SB 339-Romine | 26. SB 371-Munzlinger, with SCS |
| 14. SB 174-Parson, with SCS | 27. SB 53-Lamping |
| 15. SB 441-Dempsey | 28. SB 377-Dixon |
| 16. SJR 2-Lager | 29. SB 448-Schmitt and Keaveny |
| 17. SB 315-Pearce | 30. SB 109-Brown, with SCS |
| 18. SB 419-Lager, with SCS | 31. SB 259-Schaaf, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HB 34-Guernsey (Brown)
(In Fiscal Oversight) | 6. HB 68-Kelley (127), et al (Lamping) |
| 2. HCS for HB 315 (Wasson) | 7. HB 163-Fitzpatrick and Dugger (Sater) |
| 3. HB 53-Gatschenberger (Rupp) | 8. HCS for HB 199 (Lamping) |
| 4. HB 112-Burlison (Brown) | 9. HCS for HB 457, with SCS (Rupp) |
| 5. HCS for HB 473 (Lager)
(In Fiscal Oversight) | 10. HCS for HBs 303 & 304, with SCS
(Schmitt) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|---|
| SB 3-Rupp, with SA 1 (pending) | SB 207-Kehoe, et al, with SCS |
| SB 13-Schaefer, with SCS | SB 231-Munzlinger, with SA 1 (pending) |
| SB 21-Dixon | SB 239-Emery, with SCS & SA 2 (pending) |
| SB 22-Dixon | SB 272-Nieves, with SA 2 (pending) |
| SB 48-Lamping | SB 291-Rupp |
| SB 61-Keaveny, with SCA 1 (pending) | SB 292-Rupp |
| SB 65-Dixon, with SCS | SB 364-Parson |
| SB 82-Schaefer, with SCS | |

HOUSE BILLS ON THIRD READING

- HB 55-Flanigan and Allen, with SCS
(Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)
HB 212-Cox, et al (Keaveny)
HCS for HB 235 (Parson)

HB 498-Jones (50), et al, with SCS (Sifton)
HCS for HB 159 (Kraus)
HCS for HB 233, with SCS (Lamping)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY—TUESDAY, APRIL 23, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 443—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 813—Jobs, Economic Development and Local Government.

HCS for HB 468—Governmental Accountability and Fiscal Oversight.

HB 253—Ways and Means.

HCS for HB 389—Jobs, Economic Development and Local Government.

HCS for HB 175—Ways and Means.

HB 400—Judiciary and Civil and Criminal Jurisprudence.

HB 510—Small Business, Insurance and Industry.

HCS for HB 290—Financial and Governmental Organizations and Elections.

HCS for HB 252—Seniors, Families and Pensions.

HB 733—Jobs, Economic Development and Local Government.

HCS for HB 351—Veterans' Affairs and Health.

HCS for HB 436—General Laws.

HB 339—Small Business, Insurance and Industry.

HB 274—Veterans' Affairs and Health.

HCS for HB 1035—Jobs, Economic Development and Local Government.

HB 747—Commerce, Consumer Protection, Energy and the Environment.

HCS for HBs 593 and 695—Small Business, Insurance and Industry.

HCS for HB 340—General Laws.

HCS No. 2 for HB 698—Jobs, Economic Development and Local Government.

On motion of Senator Richard, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Reverend Carl Gauck offered the following prayer:

“This is the day the Lord has made; let us rejoice and be glad in it.” (Psalm 118:24)

Gracious God, we are truly glad and see ourselves blessed that these days are so wonderful, in spite of the abundance of rain. We rejoice that the beauty of each day doesn’t escape our notice and we embrace this time of year for the work we can accomplish and yet be refreshed in it. As we spend time in this chamber, let us still be aware of Your creation and do all we can so others less fortunate may also have reason to rejoice. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 772, regarding Christina Shaw, which was adopted.

Senator Lamping offered Senate Resolution No. 773, regarding Megan Willingham, which was adopted.

Senator Schaaf offered Senate Resolution No. 774, regarding Grace S. Day, which was adopted.

Senator Sater offered Senate Resolution No. 775, regarding the Ninety-eighth Birthday of Bernice Mathis Smith, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 776, regarding the One Hundred Third Birthday of Lena Smith Vaughan, Pineville, which was adopted.

Senator Chappelle-Nadal offered the following resolution:

SENATE RESOLUTION NO. 777

WHEREAS, the Missouri Senate recognizes the importance of programs designed to provide college students the opportunity to enhance their leadership qualities; and

WHEREAS, the 21st Century Leadership Academy hosted by the University of Missouri-St. Louis is an intense program designed to encourage women's public sector leadership; and

WHEREAS, Leadership Academy "Fellows" are selected from nine participating state universities; and

WHEREAS, the Leadership Academy curriculum includes interactive panel discussions and skill-building workshops, as well as the opportunity to participate in a mock legislative session; and

WHEREAS, the Missouri Senate has a long tradition of assisting those seeking insight into the Legislative Branch of state government by granting use of the Senate Chamber.

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the 21st Century Leadership Academy use of the Senate Chamber for the purpose of conducting a mock legislative session from 10:00 am to 12:00 noon on Wednesday, May 22, 2013.

Senator Chappelle-Nadal requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 777** up for adoption, which request was granted.

On motion of Senator Chappelle-Nadal, **SR 777** was adopted.

Senator Schaaf offered Senate Resolution No. 778, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Bob McDonald, Smithville, which was adopted.

Senator Schaaf offered Senate Resolution No. 779, regarding Deborah J. Walker, which was adopted.

Senator Schaaf offered Senate Resolution No. 780, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ken Adams, St. Joseph, which was adopted.

Senator LeVota offered Senate Resolution No. 781, regarding Admiral Mike Mullen, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 315**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

Was taken up by Senator Wasson.

Senator Wasson offered **SS** for **HCS** for **HB 315**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 315

An Act to repeal sections 334.040, 334.715, 334.735, 335.066, 338.150, 338.220, RSMo, and to enact in lieu thereof ten new sections relating to health care services.

Senator Kraus assumed the Chair.

Senator Wasson moved that **SS** for **HCS** for **HB 315** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 315, Page 35, Section 338.220, Line 25 of said page, by inserting immediately after said line the following:

“354.535. 1. If a pharmacy, operated by or contracted with by a health maintenance organization, is closed or is unable to provide health care services to an enrollee in an emergency, a pharmacist may take an assignment of such enrollee’s right to reimbursement, if the policy or contract provides for such reimbursement, for those goods or services provided to an enrollee of a health maintenance organization. No health maintenance organization shall refuse to pay the pharmacist any payment due the enrollee under the terms of the policy or contract.

2. No health maintenance organization, conducting business in the state of Missouri, shall contract with a pharmacy, pharmacy distributor or wholesale drug distributor, nonresident or otherwise, unless such pharmacy or distributor has been granted a permit or license from the Missouri board of pharmacy to operate in this state.

3. Every health maintenance organization shall apply the same coinsurance, co-payment and deductible factors to all drug prescriptions filled by a pharmacy provider who participates in the health maintenance organization’s network if the provider meets the contract’s explicit product cost determination. If any such contract is rejected by any pharmacy provider, the health maintenance organization may offer other contracts necessary to comply with any network adequacy provisions of this act. However, nothing in this section shall be construed to prohibit the health maintenance organization from applying different coinsurance, co-payment and deductible factors between generic and brand name drugs.

4. If the co-payment applied by a health maintenance organization exceeds the usual and customary retail price of the prescription drug, enrollees shall only be required to pay the usual and customary retail price of the prescription drug, and no further charge to the enrollee or plan sponsor shall be incurred on such prescription.

5. Health maintenance organizations shall not set a limit on the quantity of drugs which an enrollee may obtain at any one time with a prescription, unless such limit is applied uniformly to all pharmacy providers in the health maintenance organization’s network.

[5.] 6. Health maintenance organizations shall not insist or mandate any physician or other licensed health care practitioner to change an enrollee’s maintenance drug unless the provider and enrollee agree to such change. For the purposes of this provision, a maintenance drug shall mean a drug prescribed by a practitioner who is licensed to prescribe drugs, used to treat a medical condition for a period greater than thirty days. Violations of this provision shall be subject to the penalties provided in section 354.444. Notwithstanding other provisions of law to the contrary, health maintenance organizations that change an enrollee’s maintenance drug without the consent of the provider and enrollee shall be liable for any damages resulting from such change. Nothing in this subsection, however, shall apply to the dispensing of generically equivalent products for prescribed brand name maintenance drugs as set forth in section 338.056.

376.387. If the co-payment for prescription drugs applied by a health insurer or health carrier, as defined in section 376.1350, exceeds the usual and customary retail price of the prescription drug, enrollees shall only be required to pay the usual and customary retail price of the prescription drug, and no further charge to the enrollee or plan sponsor shall be incurred on such prescription.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion failed.

Senator Wasson moved that **SS** for **HCS** for **HB 315** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **HCS** for **HB 315** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Kehoe—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 53 was placed on the Informal Calendar.

At the request of Senator Brown, **HB 112** was placed on the Informal Calendar.

HB 68, introduced by Representative Kelley (127), et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of pancreatic cancer awareness month.

Was taken up by Senator Lamping.

Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 68, Page 1, In the Title, Lines 2-3, by striking the following: “the designation of pancreatic cancer awareness month” and inserting in lieu thereof the following: “state designations”; and

Further amend said bill and page, section 9.155, line 5, by inserting after all of said line the following:

“9.190. The last full week in October is hereby designated as “Respiratory Syncytial Virus (RSV) Awareness Week” in the state of Missouri. The citizens of this state are encouraged to observe the week with appropriate activities and events.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lamping, **HB 68**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Emery—1

Absent—Senator Kehoe—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 163, introduced by Representatives Fitzpatrick and Dugger, entitled:

An Act to repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

Was taken up by Senator Sater.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 163, Page 1, Section A, Line 2, by inserting after all of said line the following:

“77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?

☐ YES

☐ NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Silvey offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 163, Page 1, In the Title, Line 2, by striking the word “primary”; and

Further amend page 2, Section 78.090, line 23, by inserting immediately after all of said line the following:

“96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

“Shall the city council of _____, Missouri and the board of trustees of _____ hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of _____ hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?”

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.

Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Silvey moved that the above amendment be adopted, which motion prevailed.

Senator LeVota offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 163, Page 2, Section 78.090, Line 23, by inserting immediately after said line the following:

“115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person’s election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established

political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, [two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city] **members of the committee shall be elected from the districts of each state representative that are in any way contained in the county in the following manner: within six months after each legislative reapportionment, each portion of a legislative district contained in the county shall constitute a single committee district. Two men and two women shall be elected from each committee district formed from a legislative district that is wholly contained in the county as members of the committee, two men and two women shall be elected from each committee district formed from a legislative district that is predominantly contained in the county as members of the committee, and one man and one woman shall be elected from each committee district formed from a legislative district that is partially but not predominantly contained in the county as members of the committee.**

3. [In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4.] In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

[5.] 4. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

[6.] 5. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after

August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

[7.] **6.** If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion failed.

Senator Keaveny offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Bill No. 163, Page 1, In the Title, Line 2, by striking the word “primary”; and

Further amend said bill, page 2, section 78.090, line 23, by inserting after all of said line the following:

“473.730. 1. Every county in this state, [and] **except** the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator’s county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. Before entering on the duties of the public administrator’s office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator’s office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator’s election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator’s hands or under the public administrator’s control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

4. The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this

section for elected public administrators. The elected public administrator holding office on the effective date of this section shall continue to hold such office for the remainder of his or her term.

473.733. The public administrator's certificate of election, **if applicable**, official oath and bond shall be filed and recorded with the probate clerk, and copies thereof, certified under the seal of such court, shall be evidence. Any person injured by the breach of such bond may sue upon the same in the name of the state for his own use.

473.737. 1. Each public administrator elected **or appointed**, as now or as hereafter provided for in sections 473.730 to 473.767, is hereby declared to be an officer for the county in which such administrator is elected [and for the city of St. Louis, if elected therein] **or appointed**. The county commissions of each county in this state shall make suitable provision for an office for the public administrator in the courthouse of the county if suitable space may be had for such an office, and shall be provided as soon as the county commission shall be of the opinion that the business in charge of the public administrator is such as to reasonably require a separate office for the convenience of the public. The public administrator of the city of St. Louis shall have suitable and convenient offices provided for him or her in the civil courts building by that city.

2. Each public administrator of a county, except a county of the first classification having a charter form of government, in which a state mental hospital is located, or any county of the second classification which contains a habilitation center operated by the department of mental health and which does not adjoin a county of the first classification shall be entitled to one secretary for one hundred cases or more handled by the office of the public administrator in the immediately preceding calendar year. Each secretary employed pursuant to the provisions of this subsection shall be paid in the same pay range as a court clerk II in the circuit court personnel system. All compensation paid secretaries employed pursuant to the provisions of this subsection shall be paid out of the county treasury and the commissioner of administration shall annually reimburse each county for the compensation so paid upon proper demand being made out of appropriations made for that purpose. The public administrator in such counties may also appoint a person to act as public administrator to serve during the absence of the public administrator.

3. The governing bodies of each county and each city not within a county of this state may provide clerical personnel, not qualifying as status of deputy, for the public administrator of the county, and such personnel shall be provided when the governing body is of the opinion that the business in charge of the public administrator is such as to reasonably require such personnel for the welfare of the public.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Bill No. 163, Page 1, In the Title, Line 2, by striking the word “primary”; and

Further amend said bill, page 2, section 78.090, line 23 by inserting immediately after said line the following:

“190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other

emergency services, including emergency telephone services, which shall be collectively referred to herein as “emergency services”, and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial

members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. **Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.**

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this

chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sater, **HB 163**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—32

NAYS—Senators—None

Absent—Senator Wasson—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—32

NAYS—Senators—None

Absent—Senator Wasson—1

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

HCS for HB 199, entitled:

An Act to repeal sections 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, and 115.493, RSMo, and to enact in lieu thereof eighteen new sections relating to elections.

Was taken up by Senator Lamping.

Senator Lamping offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 199, Page 10, Section 115.493, Line 3, by striking the word “twelve” and inserting in lieu thereof the following: “**twenty-two**”.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Lamping, **HCS for HB 199**, as amended, was placed on the Informal Calendar.

HCS for HB 457, with **SCS**, was placed on the Informal Calendar.

HCS for HBs 303 and 304, with **SCS**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

Was taken up by Senator Schmitt.

Senator Schaaf assumed the Chair.

SCS for HCS for HBs 303 and 304, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 303 and 304**

An Act to repeal section 227.303, RSMo, and to enact in lieu thereof nine new sections relating to highway designations, with a contingent effective date for a certain section.

Was taken up.

Senator Schmitt moved that **SCS for HCS for HBs 303 and 304** be adopted.

Senator Chappelle-Nadal offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 303 and 304, Page 1, Section 227.314, Line 5, by inserting immediately after “Clay” the following “, **Sr.**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 303 and 304, Page 1, In the Title, Lines 3-4, by striking the following: “, with a contingent effective date for a certain

section”; and

Further amend said bill, page 2, section 227.421, line 1, by inserting immediately after “The” the following: **“Missouri portion of the”**; and

Further amend said bill, page 3, section B, lines 1-4, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 303 and 304, Page 1, In the Title, Line 3, by striking the following: “highway designations” and inserting in lieu thereof the following: “transportation”; and

Further amend said bill, page 3, section 227.519, line 6, by inserting after all of said line the following:

“Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Taney County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract One

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and also of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and also of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and also of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and also of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ all in Sec. 6, and also the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and also of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ in Sec. 7, all in T21N, R21W lying within a strip of land 80 feet wide, except as noted, 40 feet thereof, except as noted, being on each side of, parallel to and measured from a surveyed center line which is described as follows:

Beginning on the north line of and 720 feet east of the north west corner of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 6, T21N, R21W; thence south easterly on a curve to the right with 1146.3 feet radius, the tangent to which bears S 31°56'E, 243 feet; thence S 19°47'E a distance of 391 feet; thence continuing S 19°47'E with 40 feet on the right side and 55 feet on the left side of the said center line, a distance of 200 feet; thence continuing S 19°47'E with 40 feet on each side of the said center line, a distance of 240 feet; thence continuing S 19°47'E with 60 feet on the right side of and 40 feet on the left side of the said center line, a distance of 110 feet; thence continuing S 19°47'E with 40 feet on both sides of the center line, a distance of 1405.4 feet; thence on a curve to the right with 819 feet radius, a distance of 534.8 feet; thence S 17°39'W a distance of 683.5 feet; thence on a curve to the left with 637.8 feet radius, a distance of 421.1 feet; thence S 20°15'E a distance of 560.3 feet; thence on a curve to the left with 955.4 feet radius, a distance of 366.7 feet; thence S 42°15'E with 40 feet on the right side of and 60 feet on the left side of the said center line, a distance of 118.3 feet; thence S 42°15'E with 40 feet on each side of the said center line, a distance of 230 feet, to the south line of and 270 feet more or less east of the south west corner of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7.

Containing right of way old 4.60 acres, more or less

new 5.68 "
total 10.28 "

Tract Two

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W lying on the west side of the present road and included within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured from a surveyed center line which is described as follows:

Beginning on the north line of and 270 feet east of the north west corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W; thence S 42° 15'E a distance of 245 feet; thence continuing S 42° 15'E with 40 feet on the right side of and 55 feet on the left side of the said center line, a distance of 48.8 feet; thence on a curve to the right with 716.8 feet radius and continuing 40 feet on the right side of and 55 feet on the left side of the said center line, a distance of 76.2 feet; thence continuing on the same curve with 40 feet on both sides of the said center line, a distance of 250 feet to the property line between W.R. Carey and C.N. McElfresh, being approximately 540 feet south of and 570 feet east of the north west corner of the said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7.

Containing right of way old 0.16 acres, more or less

new 0.03 "
total 0.21 "

Tract Three

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W lying on the east side of the present road, and included within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured from a surveyed center line, which is described as follows:

Beginning on the north line of and 270 feet east of the north west corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W; thence S 42° 15'E a distance of 245 feet; thence continuing S 42° 15'E with 40 feet on the right side of and 55 feet on the left side of the said center line a distance of 25 feet to a point on the property line between V.T. Jones and C.N. McElfresh, being about 210 feet south of and 420 feet east of the northwest corner of the said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7.

Containing right of way old 0.09 acres, more or less

new 0.30 "
total 0.39 "

Tract Four

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W lying within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured

from a surveyed center line. Said tract is bounded and described as follows:

Beginning 210 feet south of and 420 feet east of the north west corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W at survey station 1133+00; thence N 55°30'E on the property line between C.N. McElfresh and V.T. Jones, a distance of 57 feet; thence S 42°15'E a distance of 23.8 feet; thence on a curve to the right with 771.8 feet radius, parallel to and 55 feet from the said center line, a distance of 95 feet; thence S 53°51'W a distance of 15 feet; thence south eastward on a curve to the right with 756.8 feet radius, the tangent to which bears S 36°09'E a distance of 550 feet; thence S 6°08'W a distance of 171.4 feet; thence S 83°52'E a distance of 10 feet; thence S 6°08'W a distance of 250 feet; thence N 83°52'W a distance of 10 feet; thence S 6°08'W a distance of 100 feet, more or less to the south line of the said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence west on said south line a distance of 82 feet; thence N 6°08'E parallel to and 40 feet from the said center line, a distance of 530 feet; thence on a curve to the left with 676.8 feet radius, a distance of 260 feet, to the property line between C.N. McElfresh and W.R. Cary; thence eastward on said property line, a distance of 37 feet to the center of the present road; thence north westerly along said present road a distance of 360 feet; thence N 55°30'E a distance of 25 feet more or less to the beginning place.

Containing right of way old 0.66 acres, more or less

new 1.45 "	"
total 2.11 "	"

Tract Five

Right of way for Federal road 80 feet wide, except as noted.

That part of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7 and also of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18, all in T21N, R21W lying within tracts of land 80 feet wide, except as noted, 40 feet of which, except as noted is on each side of, parallel to and measured from a surveyed center line which is described as follows:

(1) Beginning on the north line of and 470 feet east of the north west corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7, T21N, R21W; thence S 6°08'W with 40 feet on both sides of the said center line, a distance of 512.1 feet; thence on a curve to the left with 1432.7 feet radius, a distance of 418.7 feet; thence S 10°37'E a distance of 70 feet; thence continuing S 10°37'E with 40 feet on the right side of and 50 feet on the left side of the said center line, a distance of 150 feet; thence continuing S 10°37'E with 40 feet on each side of the said center line, a distance of 150 feet, to the south line of and 956 feet west of the south east corner of the said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7

Containing right of way old 1.00 acres, more or less

new 1.42 "	"
total 2.42 "	"

(2) Beginning on the west line of and 460 feet south of the north west corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18, T21N, R21W; thence S 44°10'E a distance of 155.9 feet; thence on a curve to the left with 1432.7 feet radius, a distance of 517.5 feet; thence S 64°52'E a distance of 166.9 feet; thence on a curve to the right with 637.3 feet radius, a distance of 414.7 feet, to the south line of and 890 feet east of the south west corner of the said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18.

Containing right of way old 0.14 acres, more or less

new 2.13 ” ”

total 2.27 ” ”

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in real property located in St. Clair County, Appleton City, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

All of Lots Nine (9), ten (10), eleven (11), twelve (12), Thirteen (13), Fourteen (14), fifteen (15) and Sixteen (16), Block two (2); also Lots three (3), four (4), five (5), six (6), seven (7), eight (8), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16) and seventeen (17), Block three (3), Grantley's Addition to Appleton City, Missouri.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in real property located in Osage County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

A strip of land 95 ft. wide being 40 ft. wide on the left or north side of, and 55 ft. wide on the right or south side of, parallel to and adjoining the centerline of State Highway Route U.S. 50, leading from Kansas City to St. Louis, Missouri beginning at the west property line of said first party or Sta. 503+50 and continuing to Sta. 512+00, a distance of 830.8 ft. thence widening to a strip of land 100 ft. wide being 45 ft. wide on the left or north side of and 55 ft. wide on the right or south side of said centerline from Sta. 512+00 to Sta. 516+00, a distance of 400 ft. thence narrowing to a strip of land 80 ft. wide being 40 ft. wide on each side of said centerline from Sta. 516+00 to the south property line of said first party or Sta. 520+00 being a distance of 400 ft., also a strip of land 50 ft. wide for connection of said highway and the present road, said strip of land extending a distance of 75 ft. more or less in an easterly direction from said left or north right-of-way line at or near Sta. 520+ and as shown on the plans for said highway, as surveyed, located and platted by the State Highway Department thru the S.½ of N.W.¼ of Sec. 7 T 43 N-R 8 W; as shown by a plat of said survey now on file with the Clerk of the County Court of Osage County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all in Madison County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at a point 114.7 feet south 82 1/2° east of the southwest corner of U.S.P.S. 350, Township 33 north, Range 7 east, and on the centerline of the survey made by the State Highway Commission for Route 67, Madison County, and shown on the plan thereof – a copy of which is on file with the Clerk of the County Court of Madison County – the said point being known as Station 250+74 and on the arc of a 0° 30' curve to the right; the tangent of which bears north 0° 18' east at this point, thence along the said arc 2041.6 feet thence north 10° 30' east, 1458.4 feet to a point on the said centerline known as Station 215+74 and there terminating.

A strip of land lying on each side of, and adjacent to the above described centerline as follows:

Station to Station		Distance		Width Right	Width Left
				(East)	(West)
250+74	235+00	1574 Feet		50 Feet	
235+00	230+00	500 "		65 "	50 Feet
230+00	228+80	120 "		80 "	50 "
228+80	224+50	430 "		80 "	80 "
224+50	224+00	50 "		80 "	50 "
224+00	215+74	826 "		50 "	50 "

and all of U.S.P.S. 350 lying west of the said centerline from Station 250+74 to Station 235+00.

Also strips of land 10 feet wide lying on each side of and adjacent to the above described right-of-way being on the right (east) side from Station 224+00 to Station 217+00 and on the left (west) side from Station 220+50 to Station 218+00, upon which the parties of the first part grant, convey and warrant for themselves, and their heirs, successors and assigns, unto the State, its agents, successors or assigns, the right, easement and privilege to construct and maintain on the land described in this paragraph all such extensions of any slopes from roadbed cuts or fills which may be necessary to taper out such slopes; only the above rights in, and not the fee title to, such land is hereby conveyed, and the grantors shall have the unrestricted right to fence, use and control such land in any way they desire, so long as the same does not interfere with the rights hereby granted.

Also 0.20 acre being a tract or parcel of land lying on the right (east) side of and adjacent to the right-of-way described above being 70 feet wide from Station 226+50 to Station 225+25, upon which the party of the second part is granted only the right to enter for the purpose of constructing and opening a channel and using the excavation therefrom in grading the State Highway. The said party of the second part is also granted the right to enter upon the said land of the parties of the first part as often as may be necessary for the purpose of maintaining and keeping open the said channel, the parties of the first part or their successors otherwise

to have the free, uninterrupted and absolute use of said land.

All lying in U.S.P.S. 350, Township 33 north, Range 7 east of the 5th P.M. in Madison County, Missouri and containing 10.15 acres.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Greene County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Right of way for State Highway Route 60.

That part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, Twp. 28N, R23W, south and east of the Frisco Railroad right of way and southwest of State Highway Route M, being in a tract of land 172 feet wide, except as noted, 57 feet of which, except as noted, is on the left or northwesterly side, and 115 feet, except as noted, on the right or southeasterly side of, adjacent to, parallel with and measured from the surveyed center line of the survey of the Missouri State Highway Department for said Route 60, which surveyed center line is described as follows:

1. Beginning at a point approximately 47 feet south and 16 feet east of the southwest corner of the said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, at survey station 178+50, thence N $56^{\circ}14'E$ 1635 feet to station 194+85, which station is approximately 462 feet south and 30 feet east of the northeast corner of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10.

Containing 5.74 acres, more or less, new right of way.

2. Also beginning on the left side of item 1, opposite station 191+28.3, thence N $4^{\circ}02'E$ 255 feet, thence S $85^{\circ}43'W$ approximately 77.5 feet to the southeasterly boundary of the railroad right of way, thence in a southwesterly direction with said boundary to the south side of the said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Sec. 10, thence east approximately 20 feet to item 1, thence N $56^{\circ}14'E$ with item 1, 1375 feet to the point of beginning.

Containing 3.04 acres, more or less, new right of way.

3. Also a tract beginning on the left side of item 1, opposite station 193+28.3, thence northerly to the southwesterly right of way boundary of said Route M as it is now located and established, 30 feet from and opposite station 3+98.7 of said route, thence southeasterly with Route M to the east boundary of the property, thence south with said east property boundary to item 1, thence southwesterly with item 1 to the point of beginning.

Containing 0.28 acre, more or less, new right of way.

4. Also a tract beginning on the right side of item 1, opposite station 193+28.3, thence easterly approximately 35 feet to the east property boundary, thence north approximately 26 feet to item 1, thence southwesterly with item 1 approximately 40 feet to the point of beginning.

Containing 0.01 acre, more or less, new right of way.

Items 1, 2, 3 and 4 contain a total of 9.07 acres, more or less, new right of way.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 6. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Andrew County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

A parcel of land bounded by a line beginning at a point on the centerline of the surveyed State highway at Station 195+98, said point also being two hundred thirty-five (235) feet north of the northeast corner of the southeast quarter of the southwest quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, thence south fifty (50) feet, thence northeasterly on a curve having a radius of one thousand one hundred eight-six and twenty-eight hundredths (1186.28) feet, and extending two hundred twenty-eight (228) feet, thence north $47^{\circ} 19'$ east one thousand twenty-nine and two tenths (1029.2) feet, thence easterly on a curve having a radius of one thousand one hundred six and twenty-eight hundredths (1106.28) feet, and extending eight hundred forty-eight and sixty-seven hundredths (848.67) feet, thence easterly twenty-five and thirteen hundredths (25.13) feet, thence north forty (40) feet, thence west three hundred fifty (350) feet, thence southwesterly on a curve having a radius of one thousand one hundred eighty-six and twenty-eight hundredths (1186.28) feet, and extending two hundred seventy (270) feet, thence northwesterly five (5) feet, thence southeasterly on a curve having a radius of one thousand one hundred ninety-one and twenty-eight hundredths (1191.28) feet, and extending two hundred ninety (290) feet, thence south $47^{\circ} 19'$ west a distance of forty-five (45) feet, thence southeasterly five (5) feet, thence south $47^{\circ} 19'$ west four hundred eighty (480) feet, thence westerly twenty-four (24) feet thence south fifteen (15) feet, thence easterly ten (10) feet, thence south $47^{\circ} 19'$ west a distance of four hundred fifty-three (453) feet thence southwesterly on a curve having a radius of one thousand one hundred six and twenty-eight hundredths (1106.28) feet a distance of one-hundred seventy (170) feet, thence south fifty (50) feet to the point of beginning.

Said parcel of land being in and a part of the north one-half of the southeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west and comprising three and ninety hundredths (3.90) acres.

Tract 2

A parcel of land bounded by a line beginning at a point on the centerline of the surveyed State highway at Station 217+00, said point being eight hundred ninety-seven and forty-nine hundredths (897.49) feet west of the quarter section corner east side of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, thence west three hundred fifty (350) feet to the north right of way line of the surveyed State highway, thence northeasterly

along the said north right of way line on a curve having a radius of one thousand one hundred eighty-six and twenty-eight hundredths (1186.28) feet and extending three hundred twenty-eight (328) feet, thence east twenty-five (25) feet, thence south forty (40) feet to the point of beginning.

Said parcel of land being in and a part of the southeast quarter of the northeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west and comprising sixteen hundredths (0.16) of an acre.

Tract 3

That part of the northeast quarter of Section thirty-four (34), Township sixty-one (61) north, Range thirty-five (35) west and being more particularly described as follows: Bounded by a line beginning at a point, said point being one thousand two hundred twenty-two (1222) feet east of the quarter section corner center of said Section thirty-four (34), thence north three hundred seventy (370) feet, to the south bank of 102 River, thence easterly along the south bank of said River forty (40) feet, thence south $17^{\circ}30'$ east three hundred fifty (350) feet, thence west one hundred forty (140) feet to the point of beginning and comprising fifty-nine hundredths (0.59) of an acre.

Tract 4

That part of the southeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, more particularly described as

Tract #1, being bounded by a line beginning at a point on the centerline of State Highway Route 48 at Station 212+71.2, which is approximately one thousand three hundred fifty-seven and six tenths (1357.6) feet west of the northeast corner of the southeast quarter of said Section thirty-five (35), thence west fifty-four and five tenths (54.5) feet to this westerly right of way line of said State Highway Route 48, thence south $47^{\circ}11'$ west along said westerly right of way line three hundred (300) feet, thence northeasterly to the right on the arc of a curve having a radius of one thousand one hundred ninety-one and twenty-eight hundredths (1191.28) feet, and extending a distance of one hundred eighty (180) feet, thence southeasterly and at right angles a distance of five (5) feet, thence northeasterly to right on the arc of a curve having a radius of one thousand one hundred eight-six and twenty-eight hundredths (1186.28) feet and extending a distance of two hundred seventy (270) feet to a point on the north line of the southeast quarter of said Section thirty-five (35), thence west to said point of beginning. Said tract is for right of way and contains thirty-three hundredths (0.33) of an acre.

Tract 5

That part of the northeast quarter of Section thirty-five (35), Township sixty-one (61), Range thirty-five (35) west, found by

Starting at a point on the centerline of State Highway Route 48, at Station 212+71.2, which is approximately one thousand three hundred fifty-seven and six tenths (1357.6) feet west of the southeast corner of the northeast quarter of said section thirty-five (35), thence following said centerline north $47^{\circ}11'$ east one thousand twenty-eight and seven tenths (1028.7) feet to Station 222+99.9, a P.C., thence northerly to the left on the arc of a $5^{\circ}00'$ curve seven hundred sixty-two (762) feet to Station 250+61.9, a P.T. , thence north $9^{\circ}05'$ east one thousand two hundred

ninety-seven and one tenth (1297.1) feet to Station 245+59, which is on defendants' north property line, and is approximately forty (40) feet west of the northeast corner of said Section thirty-five (35).

Tract #1, being all of defendants' land lying within forty (40) feet to each side of the above described centerline from said Station 212+71.2 to Station 219+00, thence continuing with sixty (60) feet to left and widening uniformly to fifty (50) feet to right of said centerline at Station 220+00, thence continuing with sixty (60) feet to left and fifty (50) feet to right of said centerline to Station 220+50, thence continuing with forty (40) feet to left and narrowing uniformly to forty (40) feet to right of said centerline at Station 221+50, thence continuing with forty (40) feet to each side of said centerline to said Station 245+59, Said tract is for right of way and contains five and seventy-seven hundredths (5.77) acres.

Tract #2, being thirty (30) feet wide by one hundred (100) feet long to left of the above described right of way (or Tract #1) from opposite Station 235+00 to opposite Station 254+00, at an angle of 90° from said centerline. Said tract contains seven hundredths (0.07) of an acre, and is for changing the channel of a stream and providing for drainage ditches necessary for the proper construction and maintenance of said State Highway. Plaintiff only seeks the right to enter upon said tract of land for the purpose of constructing and opening said drainage ditches and channel change, using the excavation therefrom in grading said highway and for filling portions of the old channel; also the right to enter upon said parcel of land when necessary to maintain and keep open said ditches; the defendants, their successors or assigns to otherwise have the free, uninterrupted and absolute use of said Tract #2.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 7. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Ozark County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

All that part of the following tract:

Northwest quarter of the southeast quarter (NW¹/₄ SE¹/₄)

Of Section 15, Township 22 North, Range 16 West

Which lies within a distance of 40 feet on each side of the centerline of State highway designated as Route SC, leading from Route 5, west of Gainesville, westerly to the Ozark-Taney County line, as the same was located, surveyed and platted by the State Highway Department, as shown on plans duly approved by the State Highway Commission, a copy of which is now on file with the Clerk of the County Court in and for Ozark County.

Said centerline being described as follows:

Beginning at a point on the west boundary of said tract, distant 650 feet, more or less, north

of the southwest corner thereof, at or near Station 201+60; thence run north 49° 14' east, 526.9 feet; thence deflect to the right on a 4° curve, (delta angle 40° 22') 1009.2 feet; thence on tangent to said curve north 89° 36' east, 18.9 feet, more or less, to a point on the east boundary of said tract, distant 5 feet, more or less, south of the northeast corner thereof, and there terminating at or near Station 217+15.

Containing 2.86 acres, more or less.

2. Also the following parcel of land adjoining the above described right of way tract, extending between the stations indicated to the widths shown below:

Left: Station 202+01 to 202+27, 26 feet long by 30 feet wide on a 40° skew to the right

3. Also all that part of said tract lying northerly of the above described strip, and easterly of a line described as follows:

Beginning at a point on the left or northerly line of said above described strip, opposite Station 211+00; thence run northwesterly normal to said centerline to its intersection with the northerly boundary of said tract, and there terminating.

Item 2 has an area of 0.02 acre, more or less, and is for the purpose of a ditch outlet, to which the State Highway Department only seeks the right to enter upon land of said owners for the purpose of constructing and opening said ditch, using excavation therefrom in grading said highway, and entering upon the said parcel of land as often as may be necessary to maintain and keep open said ditch; providing the owners shall otherwise have the free, absolute and uninterrupted use of said land.

Item 3 has an area of 0.29 acre, more or less, and is for the purpose of permanent right of way.

Tract 2

All that part of the following tract:

South half of the northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$)

Of Section 15, Township 22 North, Range 16 West

Which lies within a distance of 40 feet on the northerly side of the centerline of State highway designated as Route SC, leading from Route 5, west of Gainesville, westerly to the Ozark-Taney County line, as the same was located, surveyed and platted by the State Highway Department, as shown on plans duly approved by the State Highway Commission, a copy of which is now on file with the Clerk of the County Court in and for Ozark County.

Said centerline being described as follows:

Beginning at a point distant 38 feet, more or less, south and 330 feet, more or less, west of the southeast corner of the southwest quarter of the northeast quarter of said Section 15, at or near Station 213+80; thence from a tangent bearing north 76° 58' east, deflect to the right on a 4° curve, 316.1 feet; thence on tangent to said curve north 89° 36' east, 1368.9 feet, more or less, to a point on the extended east boundary of the southeast quarter of the northeast quarter of said Section 15, distant 10 feet, more or less, south of the southeast corner thereof, and there terminating at or near Station 230+65

**Containing 0.25 acre, more or less, new right of way
and 0.99 acre, more or less, old right of way**

(There is excepted from the above described strip, a strip of land 10 feet in width, lying adjacent to and southerly of the northerly line of said strip, and extending from Station 227+00 to the east boundary of the property).

2. Also the following parcel of land adjoining the above described right of way tract, extending between the stations indicated to the widths shown below:

Left: Station 222+50 to 225+50, 300 feet long by 5 feet wide

Item 2 has an area of 0.03 acre, more or less, and is for the purpose of permanent right of way.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt raised the point of order that **SA 3** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schmitt moved that **SCS** for **HCS** for **HBs 303** and **304**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HCS** for **HBs 303** and **304**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Curls Silvey—2

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 401 was placed on the Informal Calendar.

At the request of Senator Holsman, **SB 396**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 378**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 410** was placed on the Informal Calendar.

At the request of Senator Keaveny, **SB 133**, with **SCS**, was placed on the Informal Calendar.

SB 210, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Nieves, **SB 455**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **SB 167**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **SB 343** was placed on the Informal Calendar.

SB 250, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 175** was placed on the Informal Calendar.

At the request of Senator Romine, **SB 285** was placed on the Informal Calendar.

At the request of Senator Romine, **SB 339** was placed on the Informal Calendar.

At the request of Senator Parson, **SB 174**, with **SCS**, was placed on the Informal Calendar.

SB 441 was placed on the Informal Calendar.

At the request of Senator Lager, **SJR 2** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 315** was placed on the Informal Calendar.

At the request of Senator Lager, **SB 419**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 411**, with **SCS**, was placed on the Informal Calendar.

SB 141 was placed on the Informal Calendar.

SB 403, with **SCS**, was placed on the Informal Calendar.

SB 308 was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 383** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 437**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Nasheed, **SB 423** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 371**, with **SCS**, was placed on the Informal Calendar.

SB 53 was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 377** was placed on the Informal Calendar.

At the request of Senator Schmitt, **SB 448** was placed on the Informal Calendar.

At the request of Senator Brown, **SB 109**, with **SCS**, was placed on the Informal Calendar.

SB 259, with **SCS**, was placed on the Informal Calendar.

Senator Pearce moved that **SB 437**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 437**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 437

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

Was taken up.

Senator Pearce moved that **SCS** for **SB 437** be adopted.

Senator Pearce offered **SS** for **SCS** for **SB 437**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 437

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof eleven new sections relating to higher education.

Senator Pearce moved that **SS** for **SCS** for **SB 437** be adopted.

Senator Kehoe assumed the Chair.

At the request of Senator Pearce, **SB 437**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 782, regarding Don Dallas, Overland, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, Superintendent Sherry Heavin, Edgar Springs School District.

Senator Holsman introduced to the Senate, the Physician of the Day, Dr. Margaret Nickell, Kansas City.

Senator Walsh introduced to the Senate, Cal Rudsinski and twenty-five fourth grade students from Grace Chapel Lutheran School, Bellefontaine Neighbors.

Senator Richard introduced to the Senate, Brandi Bogle, Tim Crawley, Nina Eads, Gib Garrow, Blake Heirholzer, Tressia Kelly, Casey Owens, Melissa Patterson, Jason Poe, Angela Thomas and Jared Vandsandt, representatives of Leadership Neosho.

Senator Lamping introduced to the Senate, Joan Patton and thirty-one eighth grade students from Christ Prince of Peace School, St. Louis.

Senator Schaaf introduced to the Senate, Kris Larson and AP Government Class students from Central High School, St. Joseph.

On behalf of Senator Dixon, the President introduced to the Senate, Tammy Ames and thirteen eighth

grade students from St. Joseph Catholic Academy, Springfield.

Senator Dixon introduced to the Senate, Fire Chief David Hall, Springfield.

Senator Pearce introduced to the Senate, Drew Mreen and Taiylor Llewellyn.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 24, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

THIRD READING OF SENATE BILLS

SCS for SBs 317 & 319-Romine

SS for SCS for SB 432-Cunningham

HOUSE BILLS ON THIRD READING

HB 34-Guernsey (Brown) (In Fiscal Oversight)

HCS for HB 473 (Lager) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford

SB 207-Kehoe, et al, with SCS

SB 210-Lamping and Nieves, with SCS	SB 378-Pearce, with SCS
SB 231-Munzlinger, with SA 1 (pending)	SB 383-Wallingford
SB 239-Emery, with SCS & SA 2 (pending)	SB 396-Holsman and Chappelle-Nadal, with SCS
SB 250-Schaaf, with SCS	SB 401-Rupp
SB 259-Schaaf, with SCS	SB 403-Rupp, with SCS
SB 272-Nieves, with SA 2 (pending)	SB 410-Kehoe
SB 285-Romine	SB 411-Kehoe, with SCS
SB 291-Rupp	SB 419-Lager, with SCS
SB 292-Rupp	SB 423-Nasheed
SB 308-Schaaf	SB 437-Pearce, with SCS & SS for SCS (pending)
SB 315-Pearce	SB 441-Dempsey
SB 339-Romine	SB 448-Schmitt and Keaveny
SB 343-Parson	SB 455-Nieves, with SCS
SB 364-Parson	SJR 2-Lager
SB 371-Munzlinger, with SCS	
SB 377-Dixon	

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HCS for HB 199 (Lamping)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HCS for HB 457, with SCS (Rupp)
HB 112-Burlison (Brown)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)	HB 498-Jones (50), et al, with SCS (Sifton)
HB 212-Cox, et al (Keaveny)	HCS for HB 159 (Kraus)
HCS for HB 235 (Parson)	HCS for HB 233, with SCS (Lamping)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 24, 2013

The Senate met pursuant to adjournment.

Senator Schaaf in the Chair.

Reverend Carl Gauck offered the following prayer:

“Peace, peace to you and peace to the one who helps you!” (1 Chronicles 12:18b)

Merciful Lord, on this National Secretaries Day we give thanks and kudos for all those who work for us, helping us to get so much done and making us look competent and helpful. Too often we take their good work and support for granted; so it is good for us to remember and show our appreciation for all that they do that makes our work so much easier. Bless them and us as we each seek to serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 783, regarding the death of Olin L. Parks, Sr., Windsor, which was adopted.

Senator Lager offered Senate Resolution No. 784, regarding Laurie A. Mefford, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 785, regarding Paula M. George, Osborn, which was adopted.

Senator Lager offered Senate Resolution No. 786, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Wilmes, Maryville, which was adopted.

Senator Sater offered Senate Resolution No. 787, regarding Dr. Fred Grogan, Lee's Summit, which was adopted.

Senator Sifton offered Senate Resolution No. 788, regarding Samuel Obermeyer, St. Louis, which was adopted.

Senator Schaefer offered Senate Resolution No. 789, regarding the 2012-2013 Class 5 state champion Rock Bridge High School girls basketball program, which was adopted.

Senator Schaefer offered Senate Resolution No. 790, regarding the 2012 Class 2 state champion Rock Bridge High School girls golf program, which was adopted.

Senator Schaefer offered Senate Resolution No. 791, regarding Amber Carmichael, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 437**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Curls requested unanimous consent of the Senate to allow members of law enforcement to enter the Chamber with side arms, which request was granted.

SS for **SCS** for **SB 437** was again taken up.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 437, Page 7, Section 173.1500, Line 15 of said page, by striking the word "exception" and inserting in lieu thereof the word "**exceptions**"; and further amend said line by inserting immediately after the word "College" the following: "**and Truman State University**"; and further amend line 21 of said page, by inserting immediately after the word "income" the following: "**, except for institutions categorized in the statewide liberal arts and sciences institution sector, for which peer states shall be selected as provided in subsection 4 of section 173.1505**"; and

Further amend said bill and section, page 8, line 12 of said page, by striking the word "exception" and inserting in lieu thereof the word "**exceptions**"; and further amend said line by inserting immediately after the word "of" the following: ":

(a)"; and

Further amend line 14 by inserting at the end said line the following: **“and**

(b) Truman State University, which is designated in the statewide liberal arts and sciences institution sector;”; and

Further amend said bill, page 9, section 173.1505, line 17 of said page, by striking the following: “Truman State University,”; and further amend line 18 of said page, by inserting after the semicolon “,” the following:

“(5) The statewide liberal arts and sciences institution sector shall include Truman State University;”; and further amend said subsection by renumbering the remaining subdivision accordingly; and

Further amend said bill and section, page 10, line 1 of said page, by inserting after all of said line the following:

“4. The peer comparison group for Truman State University shall consist of institutions with similar missions, degree programs, and a similar level of selectivity in admissions requirements, chosen by the coordinating board for higher education from the group of thirty states comprised of the fifteen states next higher than Missouri and the fifteen states next lower than Missouri, based on rank-ordering of all states according to the Bureau of Economic Analysis based on the 2011 midyear population estimates of the census data for the per capita personal income, or an equal number of states above and below Missouri in order to obtain a minimum of ten institutions in the statewide liberal arts and sciences institution sector peer comparison group. The rank-ordering of all states according to the Bureau of Economic Analysis using midyear population estimates of the census data for the per capita personal income shall be recalculated decennially based on the previous census.”.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Lager offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 437, Page 20, Section 173.1530, Line 4, by inserting immediately after said line the following:

“173.1532. 1. When the general assembly appropriates funds for public institutions of higher education during the appropriations process, ten percent of each institution's funding shall be earmarked and designated as career placement incentive funding. An institution shall only receive such funding if it satisfies the career placement rates established by the department of higher education pursuant to this section.

2. By July 1, 2014, the department of higher education shall develop and adopt a methodology and system that the public institutions shall use for tracking and verifying the career placement rates for their graduates.

3. The department's methodology shall also:

(1) Track and verify acceptance rates at graduate schools, professional schools, or for institutions in the associate's sector or the statewide technical education institution sector, acceptance rates at a public or private four-year institution; and

(2) Identify such acceptance rates in a manner that does not negatively impact an institution's career placement rate.

4. The department shall establish benchmarks and parameters against which the public institutions shall be measured.

5. The department's methodology shall consider the different conditions and circumstances of the sectors in which the public institutions are categorized.

6. The department of higher education shall promulgate such methodology, benchmarks, and parameters through rules and regulations. The department shall update and revise its methodology, benchmarks, and parameters as necessary.

7. The coordinating board for higher education and the institutions shall implement the methodology developed pursuant to this section when measuring institutional performance under section 173.1520.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

On motion of Senator Pearce, **SB 437**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 455** and **297**, entitled:

An Act to repeal section 208.182, RSMo, and to enact in lieu thereof three new sections relating to food stamps, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 335**, entitled:

An Act to repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.490, 84.830, 85.551, 106.010, 106.270, 190.100, 190.165, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.067, 287.243, 320.151, 321.017, 321.210, 590.080, 595.020, 595.030, and 610.021, RSMo, and to enact in lieu thereof thirty-five new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 756**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to prisoner re-entry services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 808**, entitled:

An Act to repeal sections 168.021, 169.070, and 169.670, RSMo, and to enact in lieu thereof three new sections relating to sunset provisions related to education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 170**, entitled:

An Act to repeal sections 571.030, 571.063, 571.101, and 571.117, RSMo, and to enact in lieu thereof five new sections relating to firearms, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 437**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Schaaf offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 437, Page 1, Section 173.1532, Line 5 of said amendment by striking the word “ten” and inserting in lieu thereof the word “**five**”.

Senator Schaaf moved that the above amendment be adopted, which motion failed.

Senator Lager moved that **SA 2** be adopted, which motion prevailed.

Senator Dixon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 437, Page 5, Section 163.191, Line 24, by inserting after all of said line the following:

“173.616. 1. The following schools, training programs, and courses of instruction shall be exempt from the provisions of sections 173.600 to 173.618:

(1) A public institution;

(2) Any college or university represented directly or indirectly on the advisory committee of the coordinating board for higher education as provided in subsection 3 of section 173.005;

(3) An institution that is certified by the board as an “approved private institution” under subdivision (2) of section 173.1102;

(4) A not-for-profit religious school that is accredited by the American Association of Bible Colleges, the Association of Theological Schools in the United States and Canada, or a regional accrediting association, such as the North Central Association, which is recognized by the Council on Postsecondary Accreditation and the United States Department of Education; and

(5) Beginning July 1, 2008, all out-of-state public institutions of higher education, as such term is defined in subdivision (12) of subsection 2 of section 173.005.

2. The coordinating board shall exempt the following schools, training programs and courses of instruction from the provisions of sections 173.600 to 173.618:

(1) A not-for-profit school owned, controlled and operated by a bona fide religious or denominational organization which offers no programs or degrees and grants no degrees or certificates other than those specifically designated as theological, bible, divinity or other religious designation;

(2) A not-for-profit school owned, controlled and operated by a bona fide eleemosynary organization which provides instruction with no financial charge to its students and at which no part of the instructional cost is defrayed by or through programs of governmental student financial aid, including grants and loans, provided directly to or for individual students;

(3) A school which offers instruction only in subject areas which are primarily for avocational or recreational purposes as distinct from courses to teach employable, marketable knowledge or skills, which does not advertise occupational objectives and which does not grant degrees;

(4) A course of instruction, study or training program sponsored by an employer for the training and preparation of its own employees;

(5) A course of study or instruction conducted by a trade, business or professional organization with a closed membership where participation in the course is limited to bona fide members of the trade, business or professional organization, or a course of instruction for persons in preparation for an examination given by a state board or commission where the state board or commission approves that course and school;

(6) A school or person whose clientele are primarily students aged sixteen or under.

3. A school which is otherwise licensed and approved under and pursuant to any other licensing law of

this state shall be exempt from sections 173.600 to 173.618, but a state certificate of incorporation shall not constitute licensing for the purpose of sections 173.600 to 173.618.

4. Any school, training program or course of instruction exempted herein may elect by majority action of its governing body or by action of its director to apply for approval of the school, training program or course of instruction under the provisions of sections 173.600 to 173.618. **Notwithstanding the provisions of subsections 1 and 2 of section 173.606 to the contrary, any approval granted under this section to an otherwise exempt school, training program, or course of instruction shall expire at the end of five years.** Upon application to and approval by the coordinating board, such school training program or course of instruction may become exempt from the provisions of sections 173.600 to 173.618 at any subsequent time, except the board shall not approve an application for exemption if the approved school is then in any status of noncompliance with certification standards and a reversion to exempt status shall not relieve the school of any liability for indemnification or any penalty for noncompliance with certification standards during the period of the school's approved status."; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 437, Page 20, Section 173.1535, Line 20, by inserting after all of said line the following:

"Section 1. Any person living in this state aged 8 and under may wear seersucker suits at their leisure. Any person over the age of 8 living in this state may not wear seersucker suits because adults look ridiculous in seersucker suits, with the exception of Koolaid."

Senator Schaaf raised the point of order that **SA 4** is out of order.

The point of order was referred to the President Pro Tem.

At the request of Senator McKenna, **SA 4** was withdrawn rendering the point of order moot.

Senator Pearce moved that **SS** for **SCS** for **SB 437**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **SB 437**, as amended, was declared perfected and ordered printed.

Senator Pearce moved that **SB 378**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 378**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 378

An Act to repeal sections 160.545, 173.250, and 173.1104, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarship programs.

Was taken up.

Senator Pearce moved that **SCS** for **SB 378** be adopted.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 378, Page 12, Section 173.1104, Line 55, by striking all of said line and inserting in lieu thereof the following: **“of ten semesters or fifteen quarters or their”**.

Senator Wallingford moved that the above amendment be adopted.

President Pro Tem Dempsey assumed the Chair.

Coach Dick Vermeil of the National Football League assumed the dais and addressed the members of the Senate.

Senator Kehoe assumed the Chair.

SA 1 was again taken up.

Senator Wallingford moved that the above amendment be adopted, which motion failed.

Senator Nasheed offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 378, Page 1, In the Title, Line 3, by striking the word “higher”; and further amend said line, by striking the word “scholarship”; and

Further amend said bill, page 6, section 160.545, line 189, by inserting immediately after said line the following:

“160.1995. 1. This section shall be known and may be cited as the “Math and Science Tutoring Act”.

2. There is hereby established a pilot program for the establishment and support of nonprofit math and science tutoring centers serving any metropolitan district schools. The math and science tutoring center shall provide service primarily to schools at any grade level whose schoolwide average assessment scores are less than fifty percent proficient. The programs at the centers shall utilize master teachers who fulfill the criteria of being state certified and exhibit leadership, focused collaboration, distinguished teaching in both content area and the student as a whole person, and continued professional growth. Master teachers shall select and train volunteer tutors. The center shall provide services customized to complement the student’s school math and science assignments during the school day and for extended hours on nights, weekends, and during the summer. The center shall provide transportation for the student’s return trip after a tutoring session.

3. There is hereby created in the state treasury the “Mathematics and Science Tutoring Center Fund”, which shall consist of three hundred thousand dollars appropriated by the general assembly to start up such center and any gifts, grants, bequests, and devises. The state treasurer shall be custodian of the fund and shall, along with the workforce development division and the department of economic development, approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The workforce development division with the department of economic development shall develop an application process to certify approved math and science tutoring centers under this section for distribution of appropriated funds.

5. Beginning January 1, 2014, any business in the state engaged in an occupation categorized as a science, technology, engineering, or mathematics occupation may make a donation to a math and science tutoring center created under this section and retain half of the value of its donation from its withholding tax under sections 143.191 to 143.265. The department of revenue shall develop a form to accompany the tax return of any business that retains withholding taxes under this section.

6. Under section 23.253 of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce raised the point of order that **SA 2** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Romine offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 378, Page 5, Section 160.545, Line 139, by inserting at the end of said line the following: **“If an eligible student is unable to successfully complete at least twenty-four semester credit hours in a twelve-month period due to serious and unusual personal circumstances, such student may seek a waiver of this provision by appealing to the person or committee the institution the student attends has designated to consider appeals from students who are not in compliance with federal requirements regarding satisfactory academic progress.”; and**

Further amend said bill, page 10, section 173.250, line 145, by inserting immediately after said line the following:

“10. If an eligible student is unable to successfully complete at least twenty-four semester credit hours in a twelve-month period due to serious and unusual personal circumstances, such student may seek a waiver of this provision by appealing to the person or committee the institution the student attends has designated to consider appeals from students who are not in compliance with federal requirements regarding satisfactory academic progress.”; and

Further amend said bill, page 13, section 173.1104, line 96, by inserting immediately after said line the following:

“5. If an eligible student is unable to successfully complete the number of hours required in

subsection 3 of this section due to serious and unusual personal circumstances, such student may seek a waiver of this provision by appealing to the person or committee the institution the student attends has designated to consider appeals from students who are not in compliance with federal requirements regarding satisfactory academic progress.”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Sater offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 378, Page 5, Section 160.545, Line 142, by inserting immediately after the word “need” the following: “, **upon verification to the institution by a healthcare provider,**”; and

Further amend said bill, page 12, section 173.1104, line 70, by inserting immediately after the word “need” the following: “, **upon verification to the institution by a healthcare provider,**”.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Wasson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 378, Page 4, Section 160.545, Line 98, by inserting at the end of said line the following: “**and**”; and further amend lines 99-127, by striking all of said lines; and

Further amend said bill and section, page 5, lines 128-134, by striking all of said lines; and further amend said section by renumbering the remaining subdivision accordingly.

Senator Wasson moved that the above amendment be adopted, which motion failed.

President Kinder assumed the Chair.

Senator Pearce moved that **SCS** for **SB 378**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 378**, as amended, was declared perfected and ordered printed.

Senator Rupp moved that **SB 401** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Rupp offered **SS** for **SB 401**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 401

An Act to amend chapter 376, RSMo, by adding thereto nine new sections relating to the regulation and licensure of navigators, with penalty provisions and an emergency clause.

Senator Schaaf assumed the Chair.

Senator Pearce assumed the Chair.

Senator Rupp moved that **SS** for **SB 401** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 401, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “sections relating to health insurance exchanges, with penalty provisions and an emergency”; and

Further amend said bill, page 10, Section 376.2014, line 7, by inserting immediately after said line the following:

“Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **SB 401**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 401**, as amended, was declared perfected and ordered printed.

Senator Kehoe moved that **SB 411**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 411**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 411

An Act to repeal sections 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and section 302.700 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480 merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, and to enact in lieu thereof six new sections relating to the operation of commercial motor vehicles, with an existing penalty provision.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 411** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS** for **SB 411** was declared perfected and ordered printed.

Senator Keaveny moved that **SB 133**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 133

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to early childhood

education.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 133** be adopted.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 133, Page 1, Section A, Line 2, by inserting after all of said line the following:

“67.1790. 1. The governing body of any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, or any city within such county, may impose by order or ordinance a sales tax on all retail sales made within the county or city that are subject to sales tax under chapter 144 for the purpose of funding early childhood education programs in the county or city. The tax shall not exceed one quarter of one percent and shall be imposed solely for the purpose of funding early childhood education programs in the county or city. The tax authorized in this section shall be in addition to all other sales taxes imposed by law and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the county or city submits to the voters residing within the county or city, at a general election, a proposal to authorize the governing body of the county or city to impose a tax under this section.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall (name of county/city) impose a (county-wide/city-wide) sales tax at a rate of (insert rate of percent) percent for the purpose of funding early childhood education in the county or city?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the county or city may not impose the sales tax authorized under this section unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county or city which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. All revenue collected under this section by the

director of the department of revenue on behalf of any county or city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Early Childhood Education Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county or city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county or city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county or city may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county or city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

6. The governing body of any county or city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters at a general election. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county or city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding early childhood education in the county or city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the

question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county or city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county or city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county or city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county or city shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or city, the director shall remit the balance in the account to the county or city and close the account of that county or city. The director shall notify each county or city of each instance of any amount refunded or any check redeemed from receipts due the county or city.

9. The governing body of each county or city imposing the tax authorized under this section shall select an existing community task force to administer the revenue from the tax received by the county or city. Such revenue shall be expended only upon approval of an existing community task force selected by the governing body of the county or city to administer the funds and only in accordance with a budget approved by the county or city governing body.”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted.

On motion of Senator Keaveny, **SB 133**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Dempsey assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to adopt **SS**, as amended, for **HCS** for **HJR**s **11** and **7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SCS** for **SB**s **26**, **11** and **31**, entitled:

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 137.073, 143.011, 143.021, 143.071, 143.151, 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.440, 144.517, 144.526, 144.605, 144.655, 144.700, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof eighty-four new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 26, 11 & 31, Page 7, Section 32.383, Line 9, by deleting the word, **“investigations”** and inserting in lieu thereof the word, **“investigation”**; and

Further amend said bill, Page 96, Section 143.011, Line 3, by inserting after the date, **“December 31, 2013”** the following words, **“or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest”**; and

Further amend said bill, Page 97, section, Lines 26-27, by deleting all of said lines and inserting in lieu thereof the following words:

“(2) For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate”; and

Further amend said bill, page, section, Lines 50-51, by deleting all of said lines and inserting in lieu thereof the following words:

“(3) For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate”; and

Further amend said bill, Page 98, section, Lines 74-75, by deleting all of said lines and inserting in lieu thereof the following words:

“(4) For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate”; and

Further amend said bill, Page 99, section, Lines 98-99, by deleting all of said lines and inserting in lieu

thereof the following words:

“(5) For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be determined by applying the tax table or the rate”; and

Further amend said bill, page, section, Line 120, by deleting all of said line and inserting in lieu thereof the following words:

“(6) For all tax years after the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, the tax shall be”; and

Further amend said bill, Page 100, Section 143.021, Line 1, by inserting after the date, **“December 31, 2013”** the following words, **“or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest”; and**

Further amend said bill, page, section, Lines 10-11, by deleting all of said lines and inserting in lieu thereof the following words:

“2. For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand”; and

Further amend said bill, Pages 100-102, section, Lines 12, 22, 29, 32, 39, 42, 49, 51, and 58, by inserting immediately after the word, **“his”** the words, **“or her”; and**

Further amend said bill, Page 101, section, Lines 20-21, by deleting all of said lines and inserting in lieu thereof the following words:

“3. For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand six”; and

Further amend said bill, page, section, Lines 30-31, by deleting all of said lines and inserting in lieu thereof the following words:

“4. For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand four”; and

Further amend said bill, page, section, Lines 40-41, by deleting all of said lines and inserting in lieu thereof the following words:

“5. For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a taxable income of less than eight thousand two”; and

Further amend said bill, page, section, Line 50, by deleting all of said line and inserting in lieu thereof the following words:

“6. For all tax years beginning after the fourth tax year after the tax revenues collected in the

current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, every resident having a”; and

Further amend said bill, Page 102, Section 143.022, Lines 10-19, by deleting all of said lines and inserting in lieu thereof the following:

“(1) For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, ten percent of the amount of business income;

(2) For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, twenty percent of the amount of business income;

(3) For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, thirty percent of the amount of business income;

(4) For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, forty percent of the amount of business income;

(5) For all tax years beginning after the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, fifty percent of the amount of business income.”; and

Further amend said bill, Page 103, Section 143.071, Line 5, by inserting after the date, “**December 31, 2013**” the following words, “**or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest**”;

Further amend said bill, page, section, Lines 7-8, by deleting all of said lines and inserting in lieu thereof the following words:

“3. (1) For the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of”; and

Further amend said bill, page, section, Lines 10-11, by deleting all of said lines and inserting in lieu thereof the following words:

“(2) For the second tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of”; and

Further amend said bill, page, section, Lines 14-15, by deleting all of said lines and inserting in lieu thereof the following words:

“(3) For the third tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of”; and

Further amend said bill, page, section, Lines 17-18, by deleting all of said lines and inserting in lieu

thereof the following words:

“(4) For the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed upon the Missouri taxable income of”; and

Further amend said bill, page, section, Line 21, by deleting all of said line and inserting in lieu thereof the following words:

“(5) For all tax years beginning after the fourth tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, a tax is hereby imposed”; and

Further amend said bill, page, Section 143.151, Line 8, by inserting after the date, **“January 1, 2014”** the following words, **“or on or before the first tax year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, whichever is latest”;** and

Further amend said bill, Page 104, Section 144.010, Lines 25-27, by deleting all of said lines and inserting in lieu thereof the following:

“(7) “Appliance”, clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator, and freezer”; and

Further amend said bill, Page 105, section, Line 66, by deleting the first occurrence of the word, **“of”** and inserting in lieu thereof the word, **“or”**; and

Further amend said bill, Page 106, section, Line 78, by deleting the word, **“included”** and inserting in lieu thereof the word, **“includes”**; and

Further amend said bill, Page 108, section, Line 146, by deleting the words, **“shoe laces”** and inserting in lieu thereof the word, **“shoelaces”**; and

Further amend said bill, page, section, Line 150, by deleting the words, **“Steel toed”** and inserting in lieu thereof the word, **“Steel-toed”**; and

Further amend said bill, page, section, Line 163, by deleting the second occurrence of the word, **“or”** and inserting in lieu thereof the word, **“and”**; and

Further amend said bill, Page 109, section, Line 208, by deleting the word, **“are”** and inserting in lieu thereof the word, **“is”**; and

Further amend said bill, Page 110, section, Line 220, by deleting the word, **“and”** and inserting in lieu thereof the word, **“or”**; and

Further amend said bill, Page 111, section, Line 248, by deleting the word, **“are”** and inserting in lieu thereof the word, **“is”**; and

Further amend said bill, Page 112, section, Line 294, by deleting the words, **“vending machines”** and inserting in lieu thereof the words, **“a vending machine”**; and

Further amend said bill, page, section, Line 298, by deleting the words, **“over-the-counter-drugs”** and inserting in lieu thereof the words, **“over-the-counter drugs”**; and

Further amend said bill, Page 116, section, Line 441, by deleting the word, **“or”** and inserting in lieu

thereof the word, “**of**”; and

Further amend said bill, Page 118, section, Line 523, by deleting the word, “**protections**” and inserting in lieu thereof the word, “**protection**”; and

Further amend said bill, page, section, Line 524, by deleting the word, “**are**” and inserting in lieu thereof the word, “**is**”; and

Further amend said bill, Page 122, section, Line 657, by deleting the word, “**service**” and inserting in lieu thereof the word, “**services**”; and

Further amend said bill, Page 123, section, Line 699, by deleting the word, “**telecommunication**” and inserting in lieu thereof the word, “**telecommunications**”; and

Further amend said bill, page, section, Line 705, by deleting the word, “**charges**” and inserting in lieu thereof the word, “**charge**”; and

Further amend said bill, Page 128, Section 144.020, Lines 54-59, by deleting all of said lines and inserting in lieu thereof the following words:

“(1) In the first calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and one-fifth percent;

(2) In the second calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and three-tenths percent;

(3) In the third calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and two-fifths percent;

(4) In the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and one-half percent;

(5) For all tax years after the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, four and three-fifths percent.”; and

Further amend said bill, page, Section 144.021, Lines 11-17, by deleting all of said lines and inserting in lieu thereof the words, “**imposed under this section shall be the rate imposed under 144.020.**”; and

Further amend said bill, Page 133, Section 144.030, Line 124, by inserting a coma, “,” after the word, “disabilities”; and

Further amend said bill, Page 139, Section 144.040, Line 58, by deleting the words, “**the previous rules of**”; and

Further amend said bill, Page 155, Section 144.110, Line 3, by deleting the word, “**Section**” and inserting in lieu thereof the word, “**section**”; and

Further amend said bill, Page 160, Section 144.212, Line 32, by inserting immediately after the word, “**use**” the word, “**is**”; and

Further amend said bill, Page 163, Section 144.440, Lines 37-43, by deleting all of said lines and inserting in lieu thereof the words, **“imposed under this section shall be the rate imposed under 144.020.”**; and

Further amend said bill, page, Section 144.522, Line 9, by inserting immediately after the word, **“Code”** the words, **“of 1986, as amended”**; and

Further amend said bill, Pages 165-166, Section 144.605, Lines 29, 30, 31, 40, 44-45, 46, and 48, by deleting the words, **“the state”** and inserting in lieu thereof the words, **“this state”**; and

Further amend said bill, Page 165, section, Line 31, by deleting the word, **“sales;”** and inserting in lieu thereof the words, **“vendor’s sales.”**; and

Further amend said bill, Page 169, Section 144.700, Line 8, by inserting after the date, **“January 1, 2014”** the following words, **“or the first calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars”**; and

Further amend said bill, Page 170, Section 144.700, Line 16, by inserting after the word, **“fund”** the following:

“;

(3) The revenue derived from the rate for the second calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent; the revenue derived from the rate for the third calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent; the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent; and the revenue derived from the rate for all calendar years after the fourth calendar year after the tax revenues collected in the current year exceed the highest annual level of revenues collected in the prior three years by at least one hundred million dollars, one-tenth percent. The revenue derived from the rates specified in this subdivision shall be deposited in the state school moneys fund under section 166.051.”; and

Further amend said bill, Page 181, Section 630.1100, Line 8, by deleting the number, **“2”** and inserting in lieu thereof the number, **“(2)”**; and

Further amend said bill, Page 187, Section B, Lines 10-14, by deleting all of said lines and inserting in lieu thereof the words, **“144.124, 144.125, 144.212, and 144.522 shall become effective on January 1, 2015.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 26, 11 & 31, Page 3, Section 32.087, Line 8, by inserting after the word, **“section”** the following words, **“, and shall be imposed on all transactions on which the Missouri state sales tax is imposed”**; and

Further amend said bill, Page 128, Section 144.021, Line 3, by inserting after the number, “144.020” the following words, “**and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 26, 11 & 31, Page 104, Section 143.151, Line 13, by inserting after all of said Section and Line the following:

“143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection**:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] (c) For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] **a.** “Wholly in this state” if both the seller’s shipping point and the purchaser’s destination point are in this state;

[(b)] **b.** “Partly within this state and partly without this state” if the seller’s shipping point is in this state and the purchaser’s destination point is outside this state, or the seller’s shipping point is outside this state and the purchaser’s destination point is in this state;

[(c)] **c.** Not “wholly in this state” or not “partly within this state and partly without this state” only if both the seller’s shipping point and the purchaser’s destination point are outside this state[.];

(d) For purposes of this subdivision:

a. The purchaser’s destination point shall be determined without regard to the FOB point or other conditions of the sale[.]; and

b. The seller’s shipping point is determined without regard to the location of the seller’s principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. “In this state” if the purchaser’s destination point is in this state;

b. Not “in this state” if the purchaser’s destination point is outside this state;

(d) For purposes of this subdivision, the purchaser’s destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser’s location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) “Administration services” include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) “Affiliate”, the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) “Distribution services” include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) “Investment company”, any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) “Investment funds service corporation” includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) “Management services” include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) “Qualifying sales”, gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) “Residence”, presumptively the fund shareholder’s mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder’s primary residence or principal place of business is different than the fund shareholder’s mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder’s residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation’s total dollar amount of qualifying sales

from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be

included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 34**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Silvey offered Senate Resolution No. 792, regarding Charles Roberts, which was adopted.

Senator Silvey offered Senate Resolution No. 793, regarding Christopher Seward, which was adopted.

Senator Silvey offered Senate Resolution No. 794, regarding Sydney Ruffin, which was adopted.

Senator Silvey offered Senate Resolution No. 795, regarding Austin Van Black, Liberty, which was adopted.

Senator Sater offered Senate Resolution No. 796, regarding the One Hundred Fifth Birthday of Ruth Taylor, Hollister, which was adopted.

Senators Sifton and Keaveny offered Senate Resolution No. 797, regarding Meredith Marie McGrath, which was adopted.

Senator Sifton offered Senate Resolution No. 798, regarding Amy Ruzicka, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 799, regarding Susan Reeves, St. Louis, which was adopted.

Senator Romine offered Senate Resolution No. 800, regarding Kevin Buckley, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 801, regarding Glenda R. Dillon, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 802, regarding Mark J. Ruark, Cape Girardeau, which was adopted.

Senator Romine offered Senate Resolution No. 803, regarding Kathleen Guinan, which was adopted.

Senator Dixon offered Senate Resolution No. 804, regarding the History Museum on the Square, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 805, regarding Georgena M. "Gena" Valente, which was adopted.

Senator Dixon offered Senate Resolution No. 806, regarding the Twenty-fifth Anniversary of Penmac, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 807, regarding the ALS Association of Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 808, regarding the Fiftieth Anniversary of Christian Schools of Springfield, which was adopted.

Senator Munzlinger offered Senate Resolution No. 809, regarding the Twenty-fifth Anniversary of the Mark Twain Lake Sailing Association, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Holsman introduced to the Senate, Aimee and Steve Gromowsky, their children, Dayvon, Katy, Jaylen; Lanti Riederer; and Jackson County Legislator Theresa Garza-Ruiz, Kansas City; and Dayvon, Katy and Jaylen were made honorary pages.

Senator Pearce introduced to the Senate, Robin McGinnity Connelly, Marilyn Boeschen, Kim Blackburn, Rhonda Beerman and Sara Wetzig, Saline and Lafayette Counties.

Senator Romine introduced to the Senate, Roger Crome, Fredericktown; and Aaron Luna, Farmington.

On behalf of Senator Emery and himself, Senator Schmitt introduced to the Senate, Ruby Parks and her family, Olin, Mark, Kevin, Nancy and Ryan, Windsor.

Senator Chappelle-Nadal introduced to the Senate, representatives of Urban League Young Professionals, St. Louis.

Senator Holsman introduced to the Senate, Vickie Wolgast, Tosha Everhart, Bill Faust, Penny Holman, Elvis Butler, Matthew Huls, Nola Wood, Kari Thompson, Travis Levitt, Anne Cull, Laurel McKean, Katrina Foster and Steven Kyser, representatives of Leadership South Kansas City Chamber of Commerce.

Senator Romine introduced to the Senate, his father, Leroy, Poplar Bluff.

Senator Dixon introduced to the Senate, Ken McClure, Debbie Donnellan, Lauren Calef and University Staff Ambassadors from Missouri State University, Springfield.

Senator Curls introduced to the Senate, Major Shawn Wadle and Master Patrol Officer James Schriever, Kansas City Police Department.

Senator Walsh introduced to the Senate, Principal Mary Ann Kauffman, Theresa Kremer and twenty-eight 7th grade students from St. Angela Merici Elementary School, Florissant; and Jordyn Holts, Kellie Maddox, Malik McCollum and Nicholas Stockard were made honorary pages.

Senator Brown introduced to the Senate, representatives of St. James Transport Company.

Senator Sater introduced to the Senate, Ken and Ann Hall and their nephews, David and Sean Thomas, Purdy.

Senator Lager introduced to the Senate, fourth grade students from Rock Port Elementary School.

Senator LeVota introduced to the Senate, Coach Dick Vermeil, E. Fallowfield, Pennsylvania; and Lynn Stiles, Overland Park, Kansas.

Senator Nasheed introduced to the Senate, Head Coach Mike Jones, Lincoln University, Jefferson City.

Senator Keaveny introduced to the Senate, Matthew Behnke, Chicago, Illinois.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SEVENTH DAY—THURSDAY, APRIL 25, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HBs 455 & 297

HCS for HB 335

HB 756-Hubbard, et al

HB 808-Funderburk, et al

HCS for HB 170

THIRD READING OF SENATE BILLS

SCS for SBs 317 & 319-Romine

SS for SCS for SB 432-Cunningham

HOUSE BILLS ON THIRD READING

HB 34-Guernsey (Brown)

HCS for HB 473 (Lager) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford

SB 207-Kehoe, et al, with SCS

SB 210-Lamping and Nieves, with SCS

SB 231-Munzlinger, with SA 1 (pending)

SB 239-Emery, with SCS & SA 2 (pending)

SB 250-Schaaf, with SCS

SB 259-Schaaf, with SCS

SB 272-Nieves, with SA 2 (pending)

SB 285-Romine

SB 291-Rupp	SB 396-Holsman and Chappelle-Nadal, with SCS
SB 292-Rupp	
SB 308-Schaaf	SB 403-Rupp, with SCS
SB 315-Pearce	SB 410-Kehoe
SB 339-Romine	SB 419-Lager, with SCS
SB 343-Parson	SB 423-Nasheed
SB 364-Parson	SB 441-Dempsey
SB 371-Munzlinger, with SCS	SB 448-Schmitt and Keaveny
SB 377-Dixon	SB 455-Nieves, with SCS
SB 383-Wallingford	SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HB 112-Burlison (Brown)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HCS for HB 199 (Lamping)
	HCS for HB 457, with SCS (Rupp)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)	HB 498-Jones (50), et al, with SCS (Sifton)
HB 212-Cox, et al (Keaveny)	HCS for HB 159 (Kraus)
HCS for HB 235 (Parson)	HCS for HB 233, with SCS (Lamping)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HJR 11 & 7,
with SS, as amended (Parson)
(House requests Senate
recede or grant conference)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 25, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“We need beauty around us to grow.” (Christopher Coelho)

Creator God, as we complete another tough week that has demanded much of us, let us use the time going home to see the beauty of blossoming flowers and the greening of the earth in our drive to those we love. May it help us leave the pressure we experience here behind us and enjoy the resting, enriching weekend for loved ones and our souls. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Kinder assumed the Chair.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Dempsey assumed the Chair.

Senator Schaaf assumed the Chair.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 810, regarding Kadey Copeland, which was adopted.

Senator Kraus offered Senate Resolution No. 811, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Rand, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 812, regarding Michael Dvorak, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 813, regarding Wesley Harris, which was adopted.

Senator Kraus offered Senate Resolution No. 814, regarding Brian Campbell, which was adopted.

Senator Kraus offered Senate Resolution No. 815, regarding Matthew James Crance, Lee's Summit, which was adopted.

Senator Walsh offered Senate Resolution No. 816, regarding James J. Murphy, Saint Louis, which was adopted.

HOUSE BILLS ON THIRD READING

HB 673, introduced by Representative Schatz, entitled:

An Act to repeal sections 173.005, 173.1105, 174.020, 176.010, 178.420, 178.530, 178.560, 178.585, 178.631, 178.632, 178.634, 178.635, 178.636, 178.637, 178.638, 178.639, and 178.640, RSMo, and to enact in lieu thereof seventeen new sections relating to the renaming of Linn State Technical College, with an effective date.

Was called from the Consent Calendar and taken up by Senator Kehoe.

On motion of Senator Kehoe, **HB 673** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators

Holsman	Rupp	Schaefer—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SBs 317** and **319**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 317 and 319

An Act to repeal sections 301.301 and 303.024, RSMo, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles.

Was taken up by Senator Romine.

On motion of Senator Romine, **SCS** for **SBs 317** and **319** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Holsman	Rupp	Schaefer—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 432**, introduced by Senator Cunningham, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 432

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

Was taken up.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 432** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schmitt	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

McKenna Sifton—2

Absent—Senators—None

Absent with leave—Senators

Holsman Rupp Schaefer—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 411**; **SS for SB 401**; **SS for SCS for SB 437**; and **SCS for SB 378**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James Mintert and John J. Sheehan, as members of the Missouri State Board of Accountancy;

Also,

Mishely Tisius, as a member of the Board of Certification of Interpreters;

Also,

Aimee Gromowsky, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Sara Catherine Michael, Independent, as a member of the State Committee of Marital and Family Therapists; and

Ann Nunn-Jones, Democrat, as a member of the Missouri Real Estate Appraisers Commission.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 378**; **SS** for **SB 401**; and **SCS** for **SB 411** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, Senator Parson submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 133**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 432**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS No. 2** for **HB 698**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 184**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 436**, begs leave

to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 325**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 78**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 542**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 375**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 329**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HBs 256, 33 and 305**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaaf assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HBs 455 and 297—Governmental Accountability and Fiscal Oversight.

HCS for HB 335—Jobs, Economic Development and Local Government.

HB 756—Governmental Accountability and Fiscal Oversight.

HB 808—Financial and Governmental Organizations and Elections.

HCS for HB 170—General Laws.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 601**, entitled:

An Act to repeal sections 392.415 and 392.461, RSMo, and to enact in lieu thereof three new sections relating to broadband and communications deployment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 881**, entitled:

An Act to repeal sections 43.543, 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 256.117, 256.710, 260.200, 260.205, 260.247, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 319.129, 319.132, 640.010, 640.017, 640.075, 640.715, 643.079, and 644.051, RSMo, and to enact in lieu thereof fifty-two new sections relating to the department of natural resources, with penalty provisions and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 275**, entitled:

An Act to repeal sections 285.530, 285.535, and 285.555, RSMo, and to enact in lieu thereof three new sections relating to illegal immigration, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, James Parker Atkins, his mother, Haley and his sisters, Georgia and Phoebe, Columbia; and James Parker was made an honorary page.

Senator Kehoe introduced to the Senate, his niece Madeline Kehoe and Ms. Jessica Bauhmoer, parents

and fourth grade students from St. Francis Xavier School, Taos.

On behalf of Senator Dempsey, the President introduced to the Senate, Breanna Hollowell and fourth grade students from St. Cletus School, St. Charles; and Breanna was made an honorary page.

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Joseph Corrado and his wife, Donna, Mexico.

Senator Justus introduced to the Senate, Ron Fischer and Brian Cheney, Callaway County.

Senator Schmitt introduced to the Senate, Mike, Alyson, Madelyne and Patrick Schoedel, St. Louis; and Madelyn and Patrick were made honorary pages.

Senator Pearce introduced to the Senate, Dennis Knipmeyer and Tammie Winter, Higginsville.

On behalf of Senator Schaaf, the President introduced to the Senate, eighty-five eighth grade students from St. Therese School, Kansas City; and Madelein Quinn, Annelise Nissen and Morgan Greenfield were made honorary pages.

Senator Munzlinger introduced to the Senate, teachers and eighty fourth grade students from Palmyra Elementary School.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, April 29, 2013.

SENATE CALENDAR

FIFTY-EIGHTH DAY—MONDAY, APRIL 29, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HB 601

HCS for HB 275

HCS for HB 881

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe (In Fiscal Oversight)

SS for SCS for SB 437-Pearce

SS for SB 401-Rupp (In Fiscal Oversight)

SCS for SB 378-Pearce (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 30-Brown, with SCS

SB 325-Nieves

SB 78-Lamping, with SCS

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HB 34-Guernsey (Brown)

2. HCS for HB 473 (Lager)
(In Fiscal Oversight)

3. HB 133-Gosen, et al (Rupp)

4. HB 432-Funderburk, et al, with SCS (Lager)

5. HCS#2 for HB 698, with SCS (Schmitt)

6. HB 184-Cox, et al (Kehoe)

7. HCS for HB 436, with SCS

8. HB 542-Love, et al, with SCS

9. HB 329-Dugger and Crawford, with SCS

10. HCS for HBs 256, 33 & 305 (Kehoe)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford

SB 207-Kehoe, et al, with SCS

SB 210-Lamping and Nieves, with SCS

SB 231-Munzlinger, with SA 1 (pending)

SB 239-Emery, with SCS & SA 2 (pending)

SB 250-Schaaf, with SCS

SB 259-Schaaf, with SCS

SB 272-Nieves, with SA 2 (pending)

SB 285-Romine

SB 291-Rupp

SB 292-Rupp

SB 308-Schaaf

SB 315-Pearce

SB 339-Romine

SB 343-Parson

SB 364-Parson

SB 371-Munzlinger, with SCS

SB 377-Dixon

SB 383-Wallingford

SB 396-Holsman and Chappelle-Nadal, with
SCS

SB 403-Rupp, with SCS

SB 410-Kehoe

SB 419-Lager, with SCS

SB 423-Nasheed

SB 441-Dempsey
SB 448-Schmitt and Keaveny

SB 455-Nieves, with SCS
SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HCS for HB 199 (Lamping)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HCS for HB 457, with SCS (Rupp)
HB 112-Burlison (Brown)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 212-Cox, et al (Keaveny)	HCS for HB 159 (Kraus)
HCS for HB 235 (Parson)	HCS for HB 233, with SCS (Lamping)
HB 498-Jones (50), et al, with SCS (Sifton)	

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HJR 11 & 7, with SS, as amended
(Parson) (House requests Senate
recede or grant conference)

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY—MONDAY, APRIL 29, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk with wisdom towards those that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Gracious Lord, as we begin a new week let us be mindful to always use our heads as we deal with one another. Let our conversations and behavior always be pleasant, gracious and winsome filled with kindness and even handedness. And may our decisions always be helpful and effective as we vote on bills presented to us this week. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 25, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sifton offered Senate Resolution No. 817, regarding Geri Zimmerman, Saint Louis, which was

adopted.

Senator LeVota offered Senate Resolution No. 818, regarding Jacob Daniel Lockhart, Raytown, which was adopted.

Senator LeVota offered Senate Resolution No. 819, regarding Logan Black, which was adopted.

Senator Nasheed offered Senate Resolution No. 820, regarding Michael Triplett, PhD, which was adopted.

Senator Cunningham offered Senate Resolution No. 821, regarding the One Hundred Fifth Birthday of Neacie Vitula Reeves Davis, Ripley County, which was adopted.

Senator Cunningham offered Senate Resolution No. 822, regarding Reverend Gerald Bounds, Thayer, which was adopted.

Senator Cunningham offered Senate Resolution No. 823, regarding the 130th Anniversary of the West Plains Bank and Trust Company, which was adopted.

Senator Lager offered Senate Resolution No. 824, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herb Derks, King City, which was adopted.

Senator Pearce offered Senate Resolution No. 825, regarding Taiylor Llewellyn, which was adopted.

Senator Lamping offered Senate Resolution No. 826, regarding Marissa Brady, which was adopted.

Senator Justus offered Senate Resolution No. 827, regarding the Callaway County Public Water Supply District 2, which was adopted.

Senator Schaefer offered Senate Resolution No. 828, regarding the death of Shelley Lorraine White-Horsley, Columbia, which was adopted.

Senator Brown offered Senate Resolution No. 829, regarding Nita D. Mihlfeld, which was adopted.

Senator Brown offered Senate Resolution No. 830, regarding Davita J. Smith, which was adopted.

Senator Brown offered Senate Resolution No. 831, regarding Kim R. Nash, which was adopted.

Senator Cunningham offered Senate Resolution No. 832, regarding Rayanna Bailey, which was adopted.

Senator LeVota offered Senate Resolution No. 833, regarding William Jefferson “Bill” Clinton, 42nd President of the United States, which was adopted.

Senator Silvey offered Senate Resolution No. 834, regarding Jacob Shipley, which was adopted.

Senator Parson offered Senate Resolution No. 835, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Crites, Bolivar, which was adopted.

Senator Parson offered Senate Resolution No. 836, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Recla, Dunnegan, which was adopted.

Senator Lager offered Senate Resolution No. 837, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Fred Schieber, Ravenwood, which was adopted.

Senator Lager offered Senate Resolution No. 838, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Merlin Atkins, Maryville, which was adopted.

Senator Sifton offered Senate Resolution No. 839, regarding Ryan Horn, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Romine offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the easily extracted, high purity lead ore in Missouri was a critical reason for the early development of Missouri and has provided good jobs, a way of life, and significant economic development to Missourians for centuries; and

WHEREAS, the lead industry in Missouri is the only primary, domestic source for that strategic material in America; and

WHEREAS, new technology now makes production of primary lead metal a safe, cost effective, and valuable means of continuing to provide a strategic material for numerous uses including munitions, protective barriers for x-rays, radioactive fallout, and radioactive contamination, and batteries for numerous uses including cars, trucks, electric vehicles, renewable energy storage, and peaking power reduction; and

WHEREAS, encouraging a safe, healthy, and lucrative lead industry in Missouri will give rise to good paying jobs, significant economic development, and the resources to mitigate the legacy of environmental issues caused by lead extraction:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create the Missouri Lead Industry Employment, Economic Development and Environmental Remediation Task Force; and

BE IT FURTHER RESOLVED that the mission of task force shall be to fully consider and make recommendations in a report to the General Assembly on:

- (1) The effects of a prompt environmental settlement giving rise to efficient and cost effective remediation;
- (2) Ways to promote the development of a clean lead industry;
- (3) Clean lead industry legislative proposals including rules and regulations necessary for implementation;
- (4) The economic potential of implementing clean lead industry policies; and

BE IT FURTHER RESOLVED that the task force be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the task force shall consist of all of the following members:

- (1) The Governor, or his or her designee, to serve as the chair of the task force; and
- (2) One member of the general assembly of the majority party appointed by the president pro tem of the senate, to serve as the vice-chair of the task force; and
- (3) One member of the general assembly of the majority party appointed by the speaker of the house of representatives, to serve as the secretary of the task force, and who will provide an agenda and report minutes of the task force; and
- (4) The Attorney General, or his or her designee, to serve as a member and provide technical assistance to the task force; and
- (5) The Director of the Department of Natural Resources, or his or her designee, to serve as a member and provide technical assistance to the task force; and
- (6) One member of the majority party of the senate and one member of the minority party of the senate appointed by the president pro tempore of the senate; and
- (7) One member of the majority party of the house of representatives and one member of the minority party of the house of representatives appointed by the speaker of the house of representatives; and
- (8) A representative of industry appointed by the president pro tem of the senate; and
- (9) A representative of industry appointed by the speaker of the house of representatives; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the task force, its members, and any staff assigned to the committee shall receive reimbursement for

their actual and necessary expenses incurred in attending meetings of the committee; and

BE IT FURTHER RESOLVED that the chair or vice-chair of the task force shall call an organizational meeting within fifteen days of the adoption of this resolution; and

BE IT FURTHER RESOLVED that the task force shall terminate by either a majority of members voting for termination, or by February 1, 2014, whichever occurs first; and

BE IT FURTHER RESOLVED that on the date of termination, the task force shall deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, Attorney General Chris Koster, and the Director of the Department of Natural Resources.

HOUSE BILLS ON THIRD READING

HB 34, introduced by Representative Guernsey, entitled:

An Act to repeal section 290.210, RSMo, and to enact in lieu thereof two new sections relating to maintenance, and wages for work done on behalf of a school.

Was taken up by Senator Brown.

Senator Brown offered **SS** for **HB 34**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 34

An Act to repeal sections 290.210 and 290.262, RSMo, and to enact in lieu thereof two new sections relating to prevailing wage.

Senator Brown moved that **SS** for **HB 34** be adopted.

Senator Pearce assumed the Chair.

Senator Kraus assumed the Chair.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 34, Page 1, Section 290.210, Line 19, by striking the opening and closing brackets and all of the underlined language on said line; and further amend said section, page 2, lines 1-3, by striking all of the opening and closing brackets and underlined words on said lines; and further amend line 24 by striking the second opening bracket on said line; and further amend line 26 by striking the closing bracket on said line; and further amend lines 27-28 by striking all of said lines, and further amend said section, page 3, lines 1-5 by striking all of said lines; and further amend line 10, by striking the opening bracket on said line; and further amend line 11, by striking the closing bracket on said line; and further amend said section, page 4, line 2, by striking the opening bracket on said line; and further amend line 3, by striking the closing bracket on said line; and further amend lines 26-27, by striking all of said lines; and further renumber the remaining subdivision accordingly; and further amend line 28, by inserting immediately after said line, the following:

“290.260. 1. The department, as it deems necessary, shall from time to time investigate and determine the prevailing hourly rate of wages **for heavy and highway construction work** in the localities. **In doing**

so, the department shall accept and consider information regarding local wage rates that is submitted in either paper or electronic formats. A determination applicable to every locality to be contained in a general wage order shall be made annually on or before July first of each year for the Missouri state highways and transportation commission and shall remain in effect until superseded by a new general wage order. In determining prevailing rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within the locality.

2. A certified copy of the determination so made shall be filed immediately with the secretary of state and with the department in Jefferson City. Copies shall be supplied by the department to all persons requesting them within ten days after the filing.

3. At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to the determination or the part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection.

4. Within thirty days of the receipt of the objection, the department shall set a date for a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of the objection. Written notice of the time and place of the hearing shall be given to the objectors at least ten days prior to the date set for the hearing.

5. The department at its discretion may hear each written objection separately or consolidate for hearing any two or more written objections. At the hearing the department shall first introduce in evidence the investigation it instituted and the other facts which were considered at the time of the original determination which formed the basis for its determination. The department, or the objector, or any interested party, thereafter may introduce any evidence that is material to the issues.

6. Within twenty days of the conclusion of the hearing, the department must rule on the written objection and make the final determination that it believes the evidence warrants. Immediately, the department shall file a certified copy of its final determination with the secretary of state and with the department and shall serve a copy of the final determination on all parties to the proceedings by personal service or by registered mail.

7. This final decision of the department of the prevailing wages in the locality is subject to review in accordance with the provisions of chapter 536. Any person affected, whether or not the person participated in the proceedings resulting in the final determination, may have the decision of the department reviewed. The filing of the final determination with the secretary of state shall be considered a service of the final determination on persons not participating in the administrative proceedings resulting in the final determination.

8. At any time before trial any person affected by the final determination of the department may intervene in the proceedings to review under chapter 536 and be made a party to the proceedings.

9. All proceedings in any court affecting a determination of the department under the provisions of sections 290.210 to 290.340 shall have priority in hearing and determination over all other civil proceedings pending in the court, except election contests.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Brown offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Bill No. 34, Page 1, Lines 11-15, by striking all of said lines, and inserting in lieu thereof, the following: “striking the opening bracket on said line; and further amend said line, by inserting an opening bracket immediately before the word “by”; and further amend said section, page 4, line 2, by striking the opening bracket on said line; and further amend said line, by inserting an opening bracket immediately before the word “to”; and further amend lines 26-27, by”.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator McKenna moved that **SA 1**, as amended, be adopted, which motion failed on a standing division vote.

Senator Schaaf assumed the Chair.

At the request of Senator Brown, **HB 34**, with **SS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Keith G. Hankins, Republican, 1131 North State Highway 39, Stockton, Dade County, Missouri 65785, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2016, and until his successor is duly appointed and qualified; vice, Charles Surface, deceased.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edna McDaniel, 5713 Hamilton Avenue, Jennings, Saint Louis County, Missouri 63136, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2015, and until her successor is duly appointed and qualified; vice, Christopher Manhart, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 26, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Frank Meyer, 4355 Maryland Avenue Apartment 211, Saint Louis City, Missouri 63108, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2016, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 26, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Glenn M. McCumber, Republican, 4 Barbara Court, Noel, McDonald County, Missouri 64854, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2018, and until his successor is duly appointed and qualified; vice, Nancy D. Perry, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 2**, **SA 4** and **SA 5** to **HB 163** and has taken up and passed **HB 163**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 76**, entitled:

An Act to repeal sections 161.209 and 163.410, RSMo, and to enact in lieu thereof two new sections relating to Missouri school improvement program standards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 344**, entitled:

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet reimbursement for behavior assessment and intervention, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 387**, entitled:

An Act to repeal sections 190.100, 334.104, and 334.735, RSMo, and to enact in lieu thereof four new sections relating to physician assistants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 415**, entitled:

An Act to repeal section 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute for senate bill no. 568, merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, and section 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 301.3166 as enacted by senate substitute for senate committee substitute for house bill no. 1807, house bill no. 1093, house bill no. 1107, house bill no. 1156, house bill no. 1221, house bill no. 1261, house bill no. 1269, house bill no. 1641, house bill no. 1668, house bill no. 1737, house bill no. 1782, house bill no. 1868, and house bill no. 1878, ninety-sixth general assembly, second regular session, and section 301.3166 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 301.3168 as enacted by senate substitute for senate committee substitute for house bill no. 1807, house bill no. 1093, house bill no. 1107, house bill no. 1156, house bill no. 1221, house bill no. 1261, house bill no. 1269, house bill no. 1641, house bill no. 1668, house bill no. 1737, house bill no. 1782, house bill no. 1868, and house bill no. 1878, ninety-sixth general assembly, second regular session, and section 301.3168 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 301.3170 as enacted by senate substitute for senate committee substitute for house bill no. 1807, house bill no. 1093, house bill no. 1107, house bill no. 1156, house bill no. 1221, house bill no. 1261, house bill no. 1269, house bill no. 1641, house bill no. 1668, house bill no. 1737, house bill no. 1782, house bill no. 1868, and house bill no. 1878, ninety-sixth general assembly, second regular session, and section 301.3170 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no.

480, ninety-sixth general assembly, second regular session, and sections 227.303, 301.130, 301.134, 301.144, 301.145, 301.216, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.463, 301.464, 301.465, 301.466, 301.467, 301.468, 301.469, 301.471, 301.472, 301.473, 301.475, 301.477, 301.481, 301.562, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3085, 301.3086, 301.3087, 301.3088, 301.3089, 301.3090, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3116, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3142, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3158, 301.3161, 301.3162, 301.3163, 301.3165, 301.3167, and 301.3169, RSMo, and to enact in lieu thereof one hundred twenty-one new sections relating to transportation, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 348**, entitled:

An Act to repeal sections 52.010, 54.040, 54.330, 78.090, 115.003, 115.005, 115.007, 115.135, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.601, 115.607, 162.481, 162.492, 247.060, and 247.080, RSMo, and to enact in lieu thereof twenty-eight new sections relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 543**, entitled:

An Act to repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 50.1030, 56.809, 70.605, 103.025, 104.190, 104.480, and 169.020, RSMo, and to enact in lieu thereof twenty new sections relating to the state auditor's office responsibilities, duties, and enforcement, with penalty provisions and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 372**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises

safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 541**, entitled:

An Act to repeal sections 211.071, 211.073, and 565.020, RSMo, and to enact in lieu thereof three new sections relating to juvenile offenders, with an emergency clause and penalty provisions.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 161**, entitled:

An Act to repeal sections 50.622, 64.170, 64.205, 67.463, 67.469, 71.012, 71.014, 71.015, 72.401, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 238.272, 321.017, 321.320, and 321.690, RSMo, and to enact in lieu thereof thirty-three new sections relating to political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 4** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 6**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 7**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 11**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 589**, entitled:

An Act to repeal sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 375.1312, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.093, 566.095, 566.100, 566.212, 566.224, 566.226, 568.060, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, 589.414, 590.700, and 632.480, RSMo, and to enact in lieu thereof seventy-eight new sections relating to sex offender registration and classification, with penalty provisions, an emergency clause and effective date for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 78**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri Jobs for Education Program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 287**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Parson moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HJR**s **11** and **7**, as amended, and grant the House a conference thereon, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 346**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 331**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Justus, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **HCS** for **HB 194**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 307**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 656**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 316**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HBs 446** and **211**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 478**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 374** and **434**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 215**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 400**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HB 274**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HCS** for **HB 168**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaaf assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HJR**s **11** and **7**, as amended: Senators Parson, Munzlinger, Brown, Justus and Sifton.

HOUSE BILLS ON THIRD READING

HB 133, introduced by Representative Gosen, et al, entitled:

An Act to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **HB 133** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

At the request of Senator Lager, **HB 432**, with **SCS**, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Dempsey referred **HCS No. 2** for **HB 698**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

At the request of Senator Parson, **HB 184** was placed on the Informal Calendar.

HCS for **HB 436**, with **SCS**, entitled:

An Act to repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fourteen new sections relating to firearms, with a penalty provision.

Was taken up by Senator Nieves.

SCS for **HCS** for **HB 436**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 436

An Act to repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof thirteen new sections relating to firearms, with a penalty provision.

Was taken up.

Senator Nieves moved that **SCS** for **HCS** for **HB 436** be adopted.

At the request of Senator Nieves, **HCS** for **HB 436**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Brown moved that **HB 34**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 34** was again taken up.

At the request of Senator Brown, **SS** for **HB 34** was withdrawn.

Senator Brown offered **SS No. 2** for **HB 34**, entitled:

SENATE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 34

An Act to repeal sections 290.210, 290.260, and 290.262, RSMo, and to enact in lieu thereof three new sections relating to prevailing wage.

Senator Brown moved that **SS No. 2** for **HB 34** be adopted, which motion prevailed.

On motion of Senator Brown, **SS No. 2** for **HB 34** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine

Rupp	Sater	Schaaf	Schmitt	Silvey	Wallingford	Wasson—23	
NAYS—Senators							
Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Walsh—10						

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Cunningham introduced to the Senate, David, Robin and Amber Marlin, Conway; and Amber was made an honorary page.

Senator Nieves introduced to the Senate, Corey Kraft, St. Albans.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-NINTH DAY—TUESDAY, APRIL 30, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HB 601

HCS for HB 881

HCS for HB 275

HCS for HB 76

HCS for HB 344

HCS for HB 387

HCS for HB 415

HCS for HB 348

HCS for HB 543
HCS for HB 372
HCS for HB 541

HCS for HB 161
HCS for HB 589
HCS for HB 78

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe (In Fiscal Oversight)
SS for SB 401-Rupp (In Fiscal Oversight)

SS for SCS for SB 437-Pearce
SCS for SB 378-Pearce (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 30-Brown, with SCS
SB 325-Nieves
SB 78-Lamping, with SCS

SB 375-Nieves, with SCS
SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager)
(In Fiscal Oversight)
2. HCS#2 for HB 698, with SCS (Schmitt)
(In Fiscal Oversight)
3. HB 542-Love, et al, with SCS (Munzlinger)
4. HB 329-Dugger and Crawford, with SCS
(Cunningham)
5. HCS for HBs 256, 33 & 305 (Kehoe)
6. HB 346-Molendorp
7. HB 331-Miller and Funderburk (Emery)
8. HCS for HB 194 (Parson)

9. HB 307-Riddle, et al, with SCS (Schmitt)
10. HCS for HB 656
11. HB 316-Phillips, et al (Sater)
12. HCS for HBs 446 & 211 (Cunningham)
13. HB 478-Wieland, et al (Romine)
14. HCS for HBs 374 & 434, with SCS
(Dixon)
15. HCS for HB 215, with SCS (Dixon)
16. HB 400-Riddle, et al
17. HB 274-Brattin, et al, with SCS
18. HCS for HB 168 (Kraus)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon

SB 48-Lamping
SB 53-Lamping
SB 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS	SB 308-Schaaf
SB 109-Brown, with SCS	SB 315-Pearce
SB 133-Keaveny and Holsman, with SCS & SA 1 (pending)	SB 339-Romine
SB 141-Dempsey	SB 343-Parson
SB 167-Sater and Wallingford, with SCS	SB 364-Parson
SB 174-Parson, with SCS	SB 371-Munzlinger, with SCS
SB 175-Wallingford	SB 377-Dixon
SB 207-Kehoe, et al, with SCS	SB 383-Wallingford
SB 210-Lamping and Nieves, with SCS	SB 396-Holsman and Chappelle-Nadal, with SCS
SB 231-Munzlinger, with SA 1 (pending)	SB 403-Rupp, with SCS
SB 239-Emery, with SCS & SA 2 (pending)	SB 410-Kehoe
SB 250-Schaaf, with SCS	SB 419-Lager, with SCS
SB 259-Schaaf, with SCS	SB 423-Nasheed
SB 272-Nieves, with SA 2 (pending)	SB 441-Dempsey
SB 285-Romine	SB 448-Schmitt and Keaveny
SB 291-Rupp	SB 455-Nieves, with SCS
SB 292-Rupp	SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HCS for HB 199 (Lamping)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HB 432-Funderburk, et al, with SCS (Lager)
HB 112-Burlison (Brown)	HCS for HB 436, with SCS (pending) (Nieves)
HB 184-Cox, et al (Parson)	HCS for HB 457, with SCS (Rupp)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 212-Cox, et al (Keaveny)	HCS for HB 159 (Kraus)
HCS for HB 235 (Parson)	HCS for HB 233, with SCS (Lamping)
HB 498-Jones (50), et al, with SCS (Sifton)	

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HJR 11 & 7, with SS, as amended
(Parson)

Requests to Recede or Grant Conference

HCS for HB 1, with SCS (Schaefer) (House
requests Senate recede or grant
conference)

HCS for HB 2, with SCS (Schaefer) (House
requests Senate recede or grant
conference)

HCS for HB 3, with SCS (Schaefer) (House
requests Senate recede or grant
conference)

HCS for HB 4, with SCS (Schaefer) (House
requests Senate recede or grant
conference)

HCS for HB 5, with SCS (Schaefer) (House
requests Senate recede or grant
conference)

HCS for HB 6, with SCS, as amended
(Schaefer) (House requests Senate
recede or grant conference)

HCS for HB 7, with SCS, as amended
(Schaefer) (House requests Senate
recede or grant conference)

HCS for HB 8, with SCS (Schaefer) (House
requests Senate recede or grant
conference)

HCS for HB 9, with SCS (Schaefer) (House
requests Senate recede or grant
conference)

HCS for HB 10, with SCS (Schaefer)
(House requests Senate recede or
grant conference)

HCS for HB 11, with SCS, as amended
(Schaefer) (House requests Senate
recede or grant conference)

HCS for HB 12, with SCS (Schaefer)
(House requests Senate recede or
grant conference)

HCS for HB 13, with SCS (Schaefer)
(House requests Senate recede or
grant conference)

RESOLUTIONS

To be Referred

SCR 15-Romine

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—TUESDAY, APRIL 30, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Pleasant words are like a honeycomb, sweetness to the soul and health to the body.” (Proverbs 16:24)

O Lord of wisdom and graciousness, give to us good words today so our words will bring healing, correction and lifting one another up. Take away from us words that are deceptive, degrading, insulting or hurtful. Help us to always have on hand an abundance of “thank you, excuse me, and forgive me,” as we go through each day working with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

REMONSTRANCES

Senators Emery, Wallingford, Wasson, Lager, Brown, Kraus, Sater, Romine, Schaaf, Cunningham, Libla and Munzlinger offered the following remonstrance:

SENATE REMONSTRANCE NO. 1

WHEREAS, the people of the State of Missouri cherish their right to bear arms, as protected by the Missouri Constitution and the Constitution of the United States, and the people of the State of Missouri cherish their right to privacy and protection of their personal private information; and

WHEREAS, Section 571.101, RSMo, declares that a concealed carry endorsement shall not be public information and shall be personal protected information, and further declares that any person who discloses such protected information is guilty of a crime; and

WHEREAS, it is the duty of the Governor of the State of Missouri to enforce the laws of the State of Missouri, and the Governor has the duty to require all departments of the executive to enforce the laws of the State of Missouri; and

WHEREAS, officials in the Department of Revenue and the Department of Public Safety have publicly admitted, through testimony before the Senate Appropriations Committee and documents provided to the Senate by subpoena, that personal protected information has been disclosed by the department in violation of the laws of the State of Missouri; and

WHEREAS, no provision of law authorized the release of such personal protected information:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate of the Ninety-seventh General Assembly, First Regular Session, hereby:

(1) Remonstrate against the Governor for the release by the Department of Revenue and the Department of Public Safety of personal protected information which has been publicly admitted by the departments;

(2) Strongly condemn the release of the protected personal information in violation of the laws of the State of Missouri; and

BE IT FURTHER RESOLVED that the Missouri Senate demands that the Governor enforce the laws of this state by immediately investigating, disciplining, and removing any members of the executive departments who are responsible for this egregious breach of public trust and violation of the laws of the state of Missouri and that the Governor comply with any and all subpoenas regarding such release of protected personal information; and

BE IT FURTHER RESOLVED that the Missouri Senate deems any failure of the Governor to investigate, discipline, and remove any members of the executive departments who are responsible for the release of the personal protected information or to comply with such subpoenas to be a willful neglect of duty; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this remonstrance for the Governor, the Department of Revenue, and the Department of Public Safety.

President Pro Tem Dempsey referred the above remonstrance to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator LeVota offered Senate Resolution No. 840, regarding Jenn Minnis, which was adopted.

Senator McKenna offered Senate Resolution No. 841, regarding Dr. Randy Sheriff, which was adopted.

Senator Curls offered Senate Resolution No. 842, regarding the Mothers of Incarcerated Sons and Daughters' Women of Courage 2013, which was adopted.

Senator Munzlinger offered Senate Resolution No. 843, regarding Dustin R. Swarnes, Bowling Green, which was adopted.

Senator Dempsey offered Senate Resolution No. 844, regarding the Class 3 State Champion Lutheran High School Girls Basketball Team, which was adopted.

Senators Holsman and Pearce offered Senate Resolution No. 845, regarding National Nurses Week,

which was adopted.

Senator Justus offered Senate Resolution No. 846, regarding Mary Camille Hosman, Ashland, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS No. 2** for **HB 698**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HB 212, introduced by Representative Cox, et al, entitled:

An Act to repeal sections 400.4A-108, 400.9-102, 400.9-307, 400.9-316, 400.9-317, 400.9-326, 400.9-406, 400.9-408, 400.9-502, 400.9-503, 400.9-515, 400.9-516, 400.9-518, and 400.2A-103, RSMo, and to enact in lieu thereof twenty-three new sections relating to secured transactions.

Was called from the Consent Calendar and taken up by Senator Keaveny.

On motion of Senator Keaveny, **HB 212** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HB 194**; **HB 316**; **HCS** for **HB 215**, with **SCS**; **HB 274**, with **SCS**; and **HCS** for **HB 168** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **SCR 15** to the Committee on Rules, Joint Rules, Resolutions and

Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 235**, entitled:

An Act to repeal sections 52.010, 54.040, and 54.330, RSMo, and to enact in lieu thereof three new sections relating to county candidate qualifications.

Was called from the Consent Calendar and taken up by Senator Parson.

On motion of Senator Parson, **HCS** for **HB 235** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 498, introduced by Representative Jones (50), et al, with **SCS**, entitled:

An Act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

Was called from the Consent Calendar and taken up by Senator Sifton.

SCS for **HB 498**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 498

An Act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

Was taken up.

Senator Sifton moved that **SCS** for **HB 498** be adopted, which motion prevailed.

On motion of Senator Sifton, **SCS** for **HB 498** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaaf assumed the Chair.

HCS for HB 159, entitled:

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to school district residency for children of certain military members, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Kraus.

On motion of Senator Kraus, **HCS for HB 159** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

HCS for HB 233, with SCS, entitled:

An Act to repeal sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, and 476.515, RSMo, and to enact in lieu thereof twenty-five new sections relating to the administration of state employee benefits.

Was called from the Consent Calendar and taken up by Senator Lamping.

SCS for HCS for HB 233, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 233

An Act to repeal sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, 105.684, and 476.515, RSMo, and to enact in lieu thereof twenty-six new sections relating to the administration of state employee benefits.

Was taken up.

Senator Lamping moved that **SCS for HCS for HB 233** be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS for HCS for HB 233** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS No. 2 for **HB 698**, with **SCS**, entitled:

An Act to repeal sections 32.115, 99.1205, 100.850, 135.305, 135.350, 135.352, 135.460, 135.484, 135.535, 135.679, 135.680, 135.700, 135.710, 135.750, 135.967, 143.119, 208.770, 217.905, 253.545, 253.550, 253.557, 253.559, 348.434, 447.708, 620.1039, and 620.1881, RSMo, and to enact in lieu thereof forty-one new sections relating to tax incentives.

Was taken up by Senator Schmitt.

SCS for **HCS No. 2** for **HB 698**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 698

An Act to repeal sections 135.305, 135.350, 135.352, 135.484, 143.119, 253.550, 253.557, 253.559, and 447.708, RSMo, and section 135.630 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 20, 15 & 19, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twenty new sections relating to tax incentives, with an emergency clause for certain sections.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS No. 2** for **HB 698** be adopted.

Senator Dempsey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, Page 23, Section 253.550, Line 55, by striking “forty-five” and inserting in lieu thereof “**seventy**”; and

Further amend said bill and section, page 24, line 90, by striking “five” and inserting in lieu thereof “**ten**”.

Senator Dempsey moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

Senator Schaaf assumed the Chair.

Senator Lager offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, Page 1, Line 2, by striking the number “seventy” and inserting in lieu thereof the following: “**sixty**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt moved that **SCS** for **HCS No. 2** for **HB 698**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HCS No. 2** for **HB 698**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Dempsey	Dixon	Holsman	Justus	Keaveny	Kehoe
Kraus	LeVota	Libla	McKenna	Munzlinger	Parson	Pearce	Richard
Romine	Rupp	Schaaf	Schmitt	Sifton	Silvey—22		

NAYS—Senators

Brown	Curls	Emery	Lager	Lamping	Nasheed	Nieves	Sater
Schaefer	Wallingford	Walsh—11					

Absent—Senator Wasson—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	LeVota	Libla	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schmitt	Sifton	Silvey	Wallingford	Wasson—29			

NAYS—Senators

Curls	Lamping	Nasheed	Schaefer	Walsh—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 163**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Schaaf assumed the Chair.

PRIVILEGED MOTIONS

Senator Schaefer requested unanimous consent of the Senate to be allowed to make one motion to send **SCS for HCS for HB 1; SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7**, as amended; **SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10; SCS for HCS for HB 11**, as amended; **SCS for HCS for HB 12**; and **SCS for HCS for HB 13** to conference in one motion, which request was granted.

Senator Schaefer moved that the Senate refuse to recede from its position on **SCS for HCS for HB 1; SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7**, as amended; **SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10; SCS for HCS for HB 11**, as amended; **SCS for HCS for HB 12**; and **SCS for HCS for HB 13** and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SS for HCS for HJRs 11 and 7**. Representatives: Smith (120), Reiboldt, and Black.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS for HCS for HB 315** and has taken up and passed **SS for HCS for HB 315**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HJR 26**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to parental rights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 653**, entitled:

An Act to repeal sections 99.845, 190.100, 190.300, 190.308, 190.400, 190.410, 190.420, 650.320, 650.325, and 650.330, RSMo, and to enact in lieu thereof twelve new sections relating to emergency

services, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 421**, entitled:

An Act to repeal sections 143.111 and 408.010, RSMo, and to enact in lieu thereof two new sections relating to legal tender.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 986**, entitled:

An Act to repeal sections 208.146 and 208.151, RSMo, and to enact in lieu thereof five new sections relating to MO HealthNet, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 675**, entitled:

An Act to amend chapters 161 and 167, RSMo, by adding thereto ten new sections relating to the management of diabetes in elementary and secondary schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 285**, entitled:

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to distribution of a controlled substance near child care facilities, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 859**, entitled:

An Act to repeal sections 43.530, 50.535, 302.181, 571.030, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, and 590.010, RSMo, and to enact in lieu thereof twenty-six new sections relating to concealed carry permits, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 3**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 4**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 5**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, as amended: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 8**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 9**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 12**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 13**: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

On motion of Senator Richard, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaaf.

HOUSE BILLS ON THIRD READING

HB 112, introduced by Representative Burlison, et al, entitled:

An Act to repeal sections 1.010 and 538.210, RSMo, and to enact in lieu thereof two new sections relating to claims arising out of the rendering of or failure to render health care services.

Was called from the Informal Calendar and taken up by Senator Brown.

President Pro Tem Dempsey assumed the Chair.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 112, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “relating to medical malpractice”; and

Further amend said bill and page, section 1.010, line 13, by inserting immediately after said line the following:

“383.206. 1. Notwithstanding the provisions of sections 383.037 and 383.160, no insurer shall issue or sell in the state of Missouri a policy insuring a health care provider, as defined in section 538.205, for damages for personal injury or death arising out of the rendering of or failure to render health care services [if the director finds, based upon competent and compelling evidence, that the base rates of such insurer are excessive, inadequate, or unfairly discriminatory. A rate may be used by an insurer immediately after it has been filed with the director, until or unless the director has determined under this section that a rate is excessive, inadequate, or unfairly discriminatory], **unless the rates for such policy are approved by the director of insurance, financial institutions and professional registration.**

2. [In making a determination under subsection 1 of this section,] The director of the department of insurance, financial institutions and professional registration [may use] **shall review and approve or reject rates pursuant to subsection 1 of this section based on** the following factors:

(1) Rates shall not be excessive or inadequate, nor shall they be unfairly discriminatory;

(2) No rate shall be held to be excessive unless such rate is unreasonably high for the insurance [proved] **provided** with respect to the classification to which such rate is applicable;

(3) No rate shall be held to be inadequate unless such rate is unreasonably low for the insurance provided with respect to the classification to which such rate is applicable;

(4) [To the extent Missouri loss experience is available,] Rates [and projected losses] shall be based on Missouri loss experience and not the insurance company’s or the insurance industry’s loss experiences in states other than Missouri unless the failure to do so jeopardizes the financial stability of the insurer; provided however, that loss experiences relating to the specific proposed insured occurring outside the state of Missouri may be considered in allowing a surcharge to such insured’s premium rate;

(5) Investment income or investment losses of the insurance company for the ten-year period prior to the request for rate approval may be considered in reviewing rates. Investment income or investment losses for a period of less than ten years shall not be considered in reviewing rates. Industrywide investment income or investment losses for the ten-year period prior to the request for rate approval may be considered for any insurance company that has not been authorized to issue insurance for more than ten years;

- (6) The locale in which the health care practice is occurring;
- (7) Inflation;
- (8) Reasonable administrative costs of the insurer;
- (9) Reasonable costs of defense of claims against Missouri health care providers;

(10) A reasonable rate of return on investment for the owners or shareholders of the insurer when compared to other similar investments at the time of the rate request; except that, such factor shall not be used to offset losses in other states or in activities of the insurer other than the sale of policies of insurance to Missouri health care providers; and

(11) Any other reasonable factors may be considered in the [disapproval] **approval or rejection** of the rate request.

3. [The director's determination under subsection 1 of this section of whether a base rate is excessive, inadequate, or unfairly discriminatory] **Rate approval requests** may be **approved or denied** based on any subcategory or subspecialty of the health care industry that the director determines to be reasonable.

4. [If actuarially supported and included in a filed rate, rating plan, rule, manual, or rating system, an] **The** insurer may charge an additional premium or grant a discount rate to any health care provider based on criteria as it relates to a specified insured health care provider or other specific health care providers within the specific insured's employ or business entity[. Such criteria may include]:

- (1) Loss experiences;
- (2) Training and experience;
- (3) Number of employees of the insured entity;
- (4) Availability of equipment, capital, or hospital privileges;
- (5) Loss prevention measures taken by the insured;
- (6) The number and extent of claims not resulting in losses;
- (7) The specialty or subspecialty of the health care provider;
- (8) Access to equipment and hospital privileges; and

(9) Any other **factors determined to be** reasonable [criteria identified by the insurer and filed with the department of insurance, financial institutions and professional registration] **by the director**.

5. [Supporting actuarial data shall be filed in support of a rate, rating plan, or rating system filing, when requested by the director to determine whether rates should be disapproved as excessive, inadequate, or unfairly discriminatory, whether or not the insurer has begun using the rate.

6.] Any rate application shall be deemed approved if not rejected within sixty days, unless the director extends such period due to the applicant's failure to timely provide requested information.

6. The director of the department of insurance shall annually provide to the governor and the general assembly a report as to the rate increases or decreases of the rates approved pursuant to this section and the number of requests disapproved pursuant to this section.

7. As used in this section, the term "insurer" includes every insurance company authorized to

transact business in this state, every unauthorized insurance company transacting business pursuant to chapter 384, every risk retention group, every insurance company issuing policies or providing benefits to or through a purchasing group, and any other person providing insurance coverage in this state.

8. The director of the department of insurance, financial institutions and professional registration shall promulgate rules for the administration and enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

383.300. As used in sections 383.300 to 383.321, the following terms mean:

(1) “Director”, the director of the department of insurance;

(2) “Fund”, the Missouri health care stabilization fund established pursuant to sections 383.300 to 383.321;

(3) “Health care provider”, includes physicians, dentists, clinical psychologists, pharmacists, optometrists, podiatrists, registered nurses, physicians’ assistants, chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical technicians, hospitals, nursing homes, and extended care facilities; but shall not include any nursing service or nursing facility conducted by and for those who rely upon treatment by spiritual means alone in accordance with the creed or tenets of any well-recognized church or religious denomination;

(4) “Insurer”, any insurance company, association, exchange, or legal entity authorized to issue policies of medical malpractice insurance in this state;

(5) “Medical malpractice insurance”, insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider.

383.303. 1. There is hereby created in the state treasury the “Missouri Health Care Stabilization Fund”. Membership fees and premium surcharges collected pursuant to section 383.312 shall be deposited in the fund. Notwithstanding the provisions of section 33.080, to the contrary, moneys in the Missouri health care stabilization fund shall not revert to the general revenue fund. Interest accruing to the fund shall be part of the fund. Moneys in the fund shall be invested and reinvested in the same manner as provided by law for the investment of other state funds in interest-bearing investments. All expenses of collecting, protecting, and administering the fund shall be paid from the fund.

2. The Missouri health care stabilization fund shall be used for the purpose of paying that portion of a medical malpractice claim, settlement, or judgment which is in excess of the limits expressed in section 383.318 or the maximum liability limits for which the health care provider is insured, whichever limit is greater. The fund is liable only for payment of claims against licensed health care providers in compliance with the provisions of sections 383.300 to 383.321 and includes reasonable

and necessary expenses incurred in payment of claims and the fund's administrative expense. The fund shall not be liable for damages for injury or death caused by an intentional crime committed by a health care provider or an employee of a health care provider, whether or not the criminal conduct is the basis for a medical malpractice claim. The fund shall have no obligation for the payment of punitive damages rendered in any judgment. The state shall not be responsible for any costs, expenses, liabilities, judgments, or other obligations of the fund.

3. The maximum amount recoverable under the Missouri health care stabilization fund for any single claim pursuant to sections 383.300 to 383.321 shall not exceed eight hundred thousand dollars pursuant to any one judgment or settlement for any party against a health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in one year in an amount of two million four hundred thousand dollars for any health care provider.

383.306. 1. There is hereby created within the department of insurance the "Health Care Stabilization Board", which shall be composed of the director and nine members appointed by the governor with the advice and consent of the senate. The board shall be composed of:

(1) One member who is licensed to practice medicine and surgery in Missouri who is a doctor of medicine and who is on a list of nominees submitted to the director by an organization representing Missouri's medical society;

(2) One member who is a doctor of osteopathy and who is on a list of nominees submitted to the director by an organization representing Missouri doctors of osteopathy;

(3) One member who is a licensed nurse in Missouri and who is on a list submitted to the director by an organization representing Missouri nurses;

(4) One member who is a representative of Missouri hospitals and who is on a list of nominees submitted to the director by an organization representing Missouri hospitals;

(5) Two members who are insurance representatives and who are on a list of nominees submitted to the director by the insurance industry;

(6) Two members who are attorneys that handle medical malpractice and who are on a list of nominees submitted to the director by an organization representing Missouri attorneys;

(7) One member of the general public appointed by the governor who is unaffiliated with the insurance or health care industries or the medical or legal professions; and

(8) The director.

2. The board is created to manage and operate the Missouri health care stabilization fund. The appointed members shall serve for a term of six years. Each member shall serve until a successor is appointed and qualified. The board must meet at the call of the director or a majority of the members but in any event it must meet at least once a year. A majority of the board members shall constitute a quorum for the transaction of any business of the board. The affirmative vote by a majority of the quorum present at a duly called meeting after notice is required to exercise any function of the board.

3. The board may promulgate any regulations necessary to carry out the provisions of sections 383.300 to 383.324. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and

chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. When a vacancy occurs in the membership of the board created by this section, the governor, with the advice and consent of the senate, shall appoint a successor of like qualifications from a list of three nominees submitted to the director by the professional society or association prescribed by this section. Whenever a vacancy occurs in the membership of the board created by this section for any reason other than the expiration of a member's term of office, the governor, with the advice and consent of the senate, shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board, the director shall notify the professional society or association required for the vacant position and request a list of three nominations from which to make the appointment.

5. The board shall develop a plan of operation for the efficient administration of the fund consistent with the provisions of sections 383.300 to 383.321. The fund must operate pursuant to a plan of operation which shall provide for the economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of excess medical malpractice insurance and which may contain other provisions including, but not limited to, assessment of all members for expenses, deficits, losses, commissions arrangements, reasonable underwriting standards, acceptance and cession of reinsurance appointment of servicing carriers, and procedures for determining the amounts of insurance to be provided by the Missouri health care stabilization fund. The plan of operation and any amendments to the plan are subject to the approval of the director. If the board fails to develop a plan of operation within the time frame established by the director, the director or the director's designee shall develop the plan of operation for the fund.

6. The board may appoint such additional employees, and provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing, and related management functions required by the board in the exercise of the powers, duties, and functions imposed or authorized by sections 383.300 to 383.321.

7. The department of insurance shall:

(1) Provide technical and administrative assistance to the board with respect to administration of the fund upon request of the board; and

(2) Provide such expertise as the board may reasonably request with respect to evaluation of claims or potential claims.

383.309. All Missouri licensed health care providers shall participate in the fund and shall remit to the board the appropriate membership fees and premium surcharges as are required by section 383.312 on or before the provider's membership anniversary date.

383.312. 1. All health care providers shall participate in the Missouri health care stabilization fund and shall pay annual membership fees. The board, by rule, shall set the membership fees. The rule shall provide that fees may be paid annually or in semiannual or quarterly installments.

2. In addition to the membership fees delineated in subsection 1 of this section, the board shall levy an annual premium surcharge on each participating health care provider who has obtained a policy

meeting the requirements of section 383.315 and upon each self-insurer. The surcharge shall be determined by the board based upon sound actuarial principles, using data obtained from Missouri experience if available. The amount of the surcharge shall be adequate for the payment of claims and expenses from the Missouri health care stabilization fund. The amount of the surcharge shall be reasonable and not unfairly discriminatory.

3. The surcharge shall be collected on the same basis as premiums by each insurer from the health care provider. The surcharge with accrued interest shall be due and payable within thirty days after the premiums for medical malpractice insurance have been received by the insurer from the health care provider in Missouri.

4. If the annual premium surcharge is collected but not paid within the time limit specified in subsection 3 of this section, the certificate of authority of the insurer, risk manager, or surplus lines agents shall be suspended until the annual premium surcharge is paid.

5. Membership in the fund is contingent upon the participating member making timely payment of all membership fees and all premium surcharges.

6. Self-insureds shall be eligible for membership in the fund upon compliance with the requirements of the board and shall pay similar membership fees and premium surcharges as the members. The surcharge for self-insureds shall be in an amount determined by the board. The amount of the surcharge imposed on the self-insured shall be in an amount comparable to what a health care provider would be required to pay if the provider's surcharge was based upon a policy of medical malpractice insurance.

383.315. 1. All books, records, and audits of the fund are open for reasonable inspection to the general public.

2. On or before December thirty-first of each year the state auditor shall audit the records of the fund and shall furnish an audited financial report to all fund participants, the department of insurance, and the general assembly.

383.318. 1. All health care providers shall participate in the Missouri health care stabilization fund and shall either insure and keep insured the health care provider's liability by a policy of medical malpractice insurance issued by an insurer authorized to do business in this state or shall qualify as a self-insurer. Qualification as a self-insurer is subject to conditions established by the board. The board may establish conditions that permit a self-insurer to self-insure for claims that are against employees who are health care providers and that are not covered by the fund.

2. The liability limits for a policy of medical malpractice insurance required by subsection 1 of this section shall not be less than two hundred thousand dollars per claim, and shall not be less than six hundred thousand dollars for all claims in any one reporting year.

3. Each insurance company issuing medical malpractice insurance policies that meet the requirements of this section shall, at the times prescribed by the director, file with the director in a form prescribed by the director, a certificate of insurance on behalf of the health care provider upon original issuance and each renewal.

4. Each self-insured health care provider furnishing coverage that meets the requirements of this section shall, at the time and in a form prescribed by the board, file with the board a certificate of self-

insurance and a separate certificate of insurance for each additional health care provider covered by the self-insured plan.

383.321. 1. A person filing a claim may recover from the fund only if the health care provider or the employee of the health care provider has coverage under the fund, the fund is named as a party in the action, and the action against the fund is commenced within the same time limitation within which the action against the health care provider or employee of the health care provider must be commenced.

2. If, after reviewing the facts upon which the claim or action is based, it appears reasonably probable that damages paid will exceed the limits provided in section 383.318, the fund may appear and actively defend itself when named as a party in an action against a health care provider, or an employee of a health care provider, that has coverage under the fund. In such action, the fund may retain counsel and pay out of the fund attorney fees and expenses including court costs incurred in defending the fund. The attorney or law firm retained to defend the fund shall not be retained or employed by the board to perform legal services for the board of other than those directly connected with the fund. Any judgment affecting the fund may be appealed as provided by law.

3. It shall be the responsibility of the insurer or self-insurer providing insurance or self-insurance for a health care provider who is also covered by the fund to provide an adequate defense of the fund on any claim filed that may potentially affect the fund with respect to such insurance contract or self-insurance contract. The insurer or self-insurer shall act in good faith and in a fiduciary relationship with respect to any claim affecting the fund. No settlement exceeding an amount which could require payment by the fund may be agreed to unless approved by the board.

4. A person who has recovered a final judgment or a settlement approved by the board against a health care provider, or an employee of a health care provider that has coverage under the fund, may file a claim with the board to recover that portion of such judgment or settlement which is in excess of the limits provided in section 383.318 or the maximum liability limit for which the health care provider is insured, whichever limit is greater. In no event, however, shall the amount recoverable from the fund exceed the amounts established under subsection 3 of section 383.303. Payments shall be made from money collected and paid into the fund and from interest earned thereon.

5. Claims filed against the fund shall be paid in the order received within ninety days after filing unless appealed by the fund. If the amounts in the fund are not sufficient to pay all of the claims, claims received after the funds are exhausted shall be immediately payable the following year in the order in which they were received.

6. The board may bring an action against an insurer, self-insurer, or health care provider for failure to act in good faith or breach of fiduciary responsibility.

383.400. 1. As used in this section, the term “insurer” or “insurers” shall mean any insurance company, mutual insurance company, medical malpractice association, any entity created under this chapter, or other entity providing any insurance to any health care provider, as defined in section 538.205, practicing medicine in the state of Missouri, against claims for malpractice or professional negligence; provided, however, that the term “insurer” or “insurers” shall not mean any surplus lines insurer operating under chapter 384, or any entity to the extent it is self-insuring its exposure to medical malpractice liability.

2. Notwithstanding any other provision of law, no insurer shall, with regards to medical malpractice insurance as defined in section 383.150:

(1) Charge an assessment or surcharge, or increase the premium charges, by more than ten percent for such insurance without first providing written notice by certified United States mail to the insured at least sixty days prior to the effective date of such actions; provided, however, such notice is not required if the premium change is due to the request of the insured;

(2) Fail or refuse to renew the aforesaid insurance without first providing written notice by certified United States mail to the insured at least sixty days prior to the effective date of such actions, unless such failure or refusal to renew is based upon a failure to pay sums due or a termination or suspension of the health care provider's license to practice medicine in the state of Missouri, termination of the insurer's reinsurance program, or a material change in the nature of the insured's health care practice; or

(3) Cease the issuance of such policies of insurance in the state of Missouri without first providing written notice by certified United States mail to the insured and to the Missouri department of insurance at least one hundred eighty days prior to the effective date of such actions.

3. Any insurer that fails to provide the notice required under subdivisions (1) and (2) of subsection 2 of this section shall, at the option of the insured, continue the coverage in accordance with the provisions of subdivision (2) of subsection 6 of section 379.321.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Brown raised the point of order that **SA 1** is out of order as it goes beyond the subject matter of the underlying bill.

Senator Lager assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 1 was again taken up.

President Pro Tem Dempsey assumed the Chair.

Senator Brown requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Kraus, Lamping, Schaaf and Rupp.

Senator Dixon offered **SA 1** to **SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to House Bill No. 112, Pages 1-5, Section 383.206, by striking all of said section from the amendment; and further amend said amendment page 7, section 383.306, line 24 by striking the word “nine” and inserting in lieu thereof the following: “**ten**”; and further amend said amendment, page 8, line 19, by striking the word “and” and inserting in lieu thereof the following:

“(8) One member who is a representative of the long term care industry and who is on a list of nominees submitted to the director by the long term care industry; and”; and

Further renumber the remaining subdivision accordingly.

Senator Dixon moved that **SA 1** to **SA 1** be adopted and requested a roll vote be taken. He was joined in his request by Senators Keaveny, Justus, Lamping and Holsman.

SA 1 to **SA 1** failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dixon	Holsman	Justus	Keaveny	Lager	LeVota
McKenna	Nasheed	Schaefer	Schmitt	Sifton	Silvey	Walsh—15	

NAYS—Senators

Brown	Cunningham	Dempsey	Emery	Kehoe	Kraus	Lamping	Libla
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Wallingford	Wasson—19					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

SA 1 was again taken up.

Senator Schaefer moved that **SA 1** be adopted, which motion failed by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dixon	Holsman	Justus	Keaveny	Lager	LeVota
McKenna	Schaefer	Schmitt	Sifton	Walsh—13			

NAYS—Senators

Brown	Cunningham	Dempsey	Emery	Kehoe	Kraus	Lamping	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Silvey	Wallingford	Wasson—21			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Kehoe assumed the Chair.

Senator Keaveny offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 112, Page 2, Section 538.210, Line 9, by striking “three hundred fifty thousand” and inserting in lieu thereof the following: “**one million**”; and further amend line 36, by inserting after all of said line the following:

“8. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the

Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall submit that value to the secretary of state, to publish in the Missouri Register as soon after each January first as practicable. Publication of the value shall be exempt from the provisions of section 536.021.”.

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

Senator Kehoe assumed the Chair.

At the request of Senator Brown, **HB 112**, with **SA 2** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 601—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 881—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 275—Small Business, Insurance and Industry.

HCS for HB 76—Education.

HCS for HB 344—Veterans’ Affairs and Health.

HCS for HB 387—Financial and Governmental Organizations and Elections.

HCS for HB 415—Transportation and Infrastructure.

HCS for HB 348—Education.

HCS for HB 543—Governmental Accountability and Fiscal Oversight.

HCS for HB 372—General Laws.

HCS for HB 541—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 161—Jobs, Economic Development and Local Government.

HCS for HB 589—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 78—Jobs, Economic Development and Local Government.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 1**. Representatives: Stream, Flanigan, and Kirkton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**. Representatives: Stream, Lair, and Montecillo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**. Representatives: Stream, Flanigan, and Montecillo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**. Representatives: Stream, Hoskins, and McCann Beatty.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Stream, Parkinson, and McCann Beatty.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**, as amended. Representatives: Stream, Redmon, and Kirkton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**, as amended. Representatives: Stream, Flanigan, and McManus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**. Representatives: Stream, Haefner, and Kelly (45).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Stream, Flanigan, and Schupp.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**. Representatives: Stream, Allen, and Kirkton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for

HB 11, as amended. Representatives: Stream, Flanigan, and Kirkton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**. Representatives: Stream, Flanigan, and Kelly (45).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**. Representatives: Stream, Flanigan, and Kirkton.

RESOLUTIONS

Senator Walsh offered Senate Resolution No. 847, regarding Edwin G. Carlstrom, Hazelwood, which was adopted.

Senator Kehoe offered Senate Resolution No. 848, regarding Zachary L. Aughtman, Loose Creek, which was adopted.

Senator Kehoe offered Senate Resolution No. 849, regarding Chad Andrew Stegeman, Loose Creek, which was adopted.

Senator Kehoe offered Senate Resolution No. 850, regarding Gavin M. Williams, Loose Creek, which was adopted.

Senator Walsh offered Senate Resolution No. 851, regarding Robert C. Muckler, Ballwin, which was adopted.

Senator Kraus offered Senate Resolution No. 852, regarding Jessi Cox, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 853, regarding Kay Rader, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Taiylor Llewellyn, Warrensburg.

Senator Pearce introduced to the Senate, Dr. Chad Stebbins, Ms. Britta Wright, faculty, staff and two hundred twenty-seven international students, representatives of 2013 Missouri International Education Day.

Senator Munzlinger introduced to the Senate, Superintendent Will Perkins, Mrs. Tatum Reed, Mrs. Faith Christophel, Mr. Aaron Baker and nineteen fourth grade students from Atlanta C-3 School District.

Senator Silvey introduced to the Senate, fifth and seventh grade students from Faith Christian Academy, Kansas City.

Senator Sater introduced to the Senate, international students from College of the Ozarks, Point Lookout.

Senator Justus introduced to the Senate, former State Senator Charles Wheeler, Kansas City.

Senator Schaaf introduced to the Senate, Jim and Marsha Conant, St. Joseph.

Senator Kehoe introduced to the Senate, Ms. Hopkins, Ms. Ziegelbein and thirty-six fifth grade students

from Trinity Lutheran School, Jefferson City; and Brooke Bates was made an honorary page.

Senator Pearce introduced to the Senate, Dr. Judith DeLany, Superintendent, Carrollton R-VII School District.

Senator Richard introduced to the Senate, Gary Melhorn, M.D., Springfield.

Senator Emery introduced to the Senate, Roger Berg, Stephanie Wimsatt, Cecil Collins and eight fifth and sixth grade students from Training Center Christian School, Garden City.

Senator Chappelle-Nadal introduced to the Senate, Dr. Sharmon Wilkinson, Superintendent, Clayton School District; Dr. Joylynn Pruitt, Superintendent, University City School District; and Dr. Alexander Babich, University City.

Senator Keaveny introduced to the Senate, P. Kumar Rao, M.D., David Salvay, M.D., Manik Goel, M.D., Sarah Jacobs, M.D., Bradley Shoss, M.D., Cecilia Lee, M.D. and Mouhammed Abuattieh, M.D., Washington University, St. Louis.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY–WEDNESDAY, MAY 1, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HJR 26
HCS for HB 653
HB 421-Curtman
HCS for HB 986

HCS for HB 675
HCS for HB 285
HCS for HB 859

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe (In Fiscal Oversight)
SS for SB 401-Rupp (In Fiscal Oversight)

SS for SCS for SB 437-Pearce
SCS for SB 378-Pearce (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 30-Brown, with SCS
SB 325-Nieves
SB 78-Lamping, with SCS

SB 375-Nieves, with SCS
SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager) (In Fiscal Oversight)
2. HB 542-Love, et al, with SCS
(Munzlinger)
3. HB 329-Dugger and Crawford, with SCS
(Cunningham)
4. HCS for HBs 256, 33 & 305 (Kehoe)
5. HB 346-Molendorp (Wasson)
6. HB 331-Miller and Funderburk (Emery)
7. HCS for HB 194 (Parson) (In Fiscal Oversight)
8. HB 307-Riddle, et al, with SCS (Schmitt)
9. HCS for HB 656 (Nasheed)

10. HB 316-Phillips, et al (Sater)
(In Fiscal Oversight)
11. HCS for HBs 446 & 211 (Cunningham)
12. HB 478-Wieland, et al (Romine)
13. HCS for HBs 374 & 434, with SCS (Dixon)
14. HCS for HB 215, with SCS (Dixon)
(In Fiscal Oversight)
15. HB 400-Riddle, et al (Wallingford)
16. HB 274-Brattin, et al, with SCS (Brown)
(In Fiscal Oversight)
17. HCS for HB 168 (Kraus) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon
SB 48-Lamping
SB 53-Lamping
SB 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS
SB 82-Schaefer, with SCS
SB 109-Brown, with SCS
SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)
SB 141-Dempsey
SB 167-Sater and Wallingford, with SCS
SB 174-Parson, with SCS
SB 175-Wallingford
SB 207-Kehoe, et al, with SCS

SB 210-Lamping and Nieves, with SCS
SB 231-Munzlinger, with SA 1 (pending)
SB 239-Emery, with SCS & SA 2 (pending)
SB 250-Schaaf, with SCS
SB 259-Schaaf, with SCS
SB 272-Nieves, with SA 2 (pending)
SB 285-Romine
SB 291-Rupp
SB 292-Rupp
SB 308-Schaaf
SB 315-Pearce
SB 339-Romine
SB 343-Parson
SB 364-Parson
SB 371-Munzlinger, with SCS
SB 377-Dixon
SB 383-Wallingford

SB 396-Holsman and Chappelle-Nadal,
with SCS
SB 403-Rupp, with SCS
SB 410-Kehoe
SB 419-Lager, with SCS

SB 423-Nasheed
SB 441-Dempsey
SB 448-Schmitt and Keaveny
SB 455-Nieves, with SCS
SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
HB 55-Flanigan and Allen, with SCS
(Schaefer)
HB 112-Burlison, with SA 2 (pending)
(Brown)
HB 184-Cox, et al (Parson)

HCS for HB 199 (Lamping)
HB 432-Funderburk, et al, with SCS
(Lager)
HCS for HB 436, with SCS (pending)
(Nieves)
HCS for HB 457, with SCS (Rupp)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1, with SCS (Schaefer)
HCS for HB 2, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)
HCS for HB 6, with SCS, as amended
(Schaefer)
HCS for HB 7, with SCS, as amended
(Schaefer)

HCS for HB 8, with SCS (Schaefer)
HCS for HB 9, with SCS (Schaefer)
HCS for HB 10, with SCS (Schaefer)
HCS for HB 11, with SCS, as amended
(Schaefer)
HCS for HB 12, with SCS (Schaefer)
HCS for HB 13, with SCS (Schaefer)
HCS for HJR 11 & 7, with SS, as amended
(Parson)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY—WEDNESDAY, MAY 1, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Lord, take me where you want me to go, let me meet who you want me to meet, tell me what you want me to say, and keep me out of your way.” (Prayer of Father Mychal Judge)

Almighty God, we share the prayer thoughts of Father Judge mindful always that we are here to serve You most of all. We know that our words and actions do reflect on who we are and what we believe and so we pray that we may truly be Yours and open always to what You desire of us. May we this day reflect this surrendering to Your almighty will being all You have created us to be. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Emery offered Senate Resolution No. 854, regarding the Eightieth Birthday of Jim Pirie, Belton, which was adopted.

Senator Parson offered Senate Resolution No. 855, regarding Linda Gibbens Meador, which was adopted.

Senator LeVota offered Senate Resolution No. 856, regarding Dick Wilson, Independence, which was adopted.

HOUSE BILLS ON THIRD READING

HB 542, introduced by Representative Love, et al, with **SCS**, entitled:

An Act to repeal section 196.311, RSMo, and to enact in lieu thereof one new section relating to eggs.

Was taken up by Senator Munzlinger.

SCS for **HB 542**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 542**

An Act to repeal sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, and 413.225, RSMo, and to enact in lieu thereof eight new sections relating to agriculture.

Was taken up.

Senator Munzlinger moved that **SCS** for **HB 542** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **HB 542**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 542**

An Act to repeal sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, and 413.225, RSMo, and to enact in lieu thereof eight new sections relating to agriculture.

Senator Munzlinger moved that **SS** for **SCS** for **HB 542** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 24, Section 413.225, Line 28 of said page, by inserting immediately after said line the following:

“644.052. 1. Persons with operating permits or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.

2. A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

(1) One hundred dollars if the design flow is less than five thousand gallons per day;

(2) One hundred fifty dollars if the design flow is equal to or greater than five thousand gallons per day but less than six thousand gallons per day;

(3) One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;

(4) Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;

(5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;

(6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;

(7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;

(8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;

(9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;

(10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;

(11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;

(12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;

(13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;

(14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;

(15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;

(16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;

(17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;

(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or

(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

3. Persons who produce industrial process wastewater which requires treatment and who apply for or

possess a site-specific permit shall annually pay:

(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or

(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or

(b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.

4. Persons who apply for or possess a site-specific permit solely for industrial storm water shall pay an annual fee of:

(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or

(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.

5. Persons who produce industrial process wastewater who are not included in subsection 2 or 3 of this section shall annually pay:

(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. Persons who apply for or possess a general permit shall pay:

(1) Three hundred dollars for the discharge of storm water from a land disturbance site;

(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;

(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;

(4) One hundred fifty dollars annually for new permits for the discharge of process water or storm water potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually;

(5) Up to two hundred fifty dollars annually for the operation of an aquaculture facility.

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. **However, requests for modifications for such operating permits that seek name changes, address changes, or other nonsubstantive changes to the operating permit shall be**

accompanied by a fee of one hundred dollars. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

9. Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation

systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 24, Section 413.225, Line 28, by inserting after all of said line the following:

“640.725. 1. The owner or operator of any flush system animal waste wet handling facility shall employ one or more persons who shall **once per week** visually inspect the [animal waste wet handling facility and lagoons for unauthorized discharge and structural integrity at least every twelve hours with a deviation of not to exceed three hours] **gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances for any release to any containment structure required by section 640.730. The owner or operator shall also visually inspect once per day any lagoon whose water level is less than twelve inches from the emergency spillway.** The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for flush system animal waste wet handling facilities shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

Senator Pearce offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 7, Section 196.311, Line 22, by inserting after all of said line the following:

“262.598. 1. As used in this section, the following terms shall mean:

- (1) “Consolidated district”, a district formed jointly by two or more councils;**
- (2) “Council”, a University of Missouri extension council authorized under section 262.563;**
- (3) “District” or “extension district”, a political subdivision formed by one or more councils;**
- (4) “Single-council district”, a district formed by one council;**
- (5) “Governing body”, the group of individuals who govern a district.**

2. University of Missouri extension councils , except for any council located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, are hereby authorized to form extension districts made up of cooperating counties for the purpose of funding extension programming. An extension district may be a single-council district or a consolidated district. A single-council district shall be formed upon a majority vote of the full council. A consolidated district shall be formed upon a majority vote of each participating council.

3. In a single-council district, the council shall serve as the district’s governing body. In addition to any other powers and duties granted to the council under sections 262.550 to 262.620, the council shall also have the powers and duties provided under subsection 5 of this section.

4. In a consolidated district, the governing body of the district shall consist of at least three, but no more than five, representatives appointed by each participating council. The term of office shall be two years. Representatives may be reappointed. The governing body shall elect officers, who shall serve as officers for two years, and establish a regular meeting schedule which shall not be less than once every three months.

5. The governing body of a district shall have the following powers and duties:

- (1) Review the activities and annual budgets of each participating council;**
- (2) Determine, by September first of each year, the tax rate necessary to generate sufficient revenue to fund the extension programming in the district, which includes annual funding for each participating council for the costs of personnel and the acquisition, supply, and maintenance of each council’s property, work, and equipment;**
- (3) Oversee the collection of any tax authorized under this section by ensuring the revenue is deposited into a special fund and monitoring the use of the funds to ensure they are used solely for extension programming in the district;**
- (4) Approve payments from the special fund in which the tax revenue is deposited; and**
- (5) Work cooperatively with each participating council to plan and facilitate the programs, equipment, and activities in the district.**

6. The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the county or counties that compose the district. Questions may be submitted to the voters of the district at any general municipal election. Any such proposed tax shall not exceed

thirty cents per one hundred dollars of assessed valuation. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. Such question shall be submitted in substantially the following form:

“Shall the Extension District in County (insert name of county) be authorized to levy an annual tax of (insert amount not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?”

In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district do not approve the question, then no tax shall be imposed. In a consolidated district, if a majority of voters in each county in the district approve the question, then the district shall impose the tax. If a majority of the voters in a consolidated district do not approve the question, then no tax shall be imposed in any county of the district. In a consolidated district, if a majority of voters in a county do not approve the question, the council in the county that did not approve the question may withdraw from the district. Upon such withdrawal, the district shall be made up of the remaining counties and the tax shall be imposed in those counties. However, if the county that did not approve the question does not withdraw from the district, the tax shall not be imposed. Revenues collected from the imposition of a tax authorized under this section shall be deposited into a special fund dedicated only for use by the local district for programming purposes.

7. The county commission of any county in which the tax authorized under this section is levied and collected:

(1) Shall be exempt from the funding requirements under section 262.597 if revenue derived from the tax authorized under this section is in excess of an amount equal to two hundred percent of the average funding received under section 262.597 for the immediately preceding three years; or

(2) May reduce the current year's funding amount under section 262.597 by thirty-three percent of the amount of tax revenues derived from the tax authorized under this section which exceed the average amount of funding received under section 262.597 for the immediately preceding three years.

8. Any county that collects tax revenues authorized under this section shall transfer all attributable revenue plus monthly interest for deposit into the district's special fund. The governing body of the district shall comply with the prudent investor standard for investment fiduciaries as provided in section 105.688.

9. In any county in which a single-council district is established, and for which a tax has not been levied, the district may be dissolved in the same manner in which it was formed.

10. A county may withdraw from a consolidated district at any time by the filing of a petition with the circuit court having jurisdiction over the district. The petition shall be signed by not fewer than ten percent of those who voted in the most recent presidential election in the county seeking to withdraw that is part of a consolidated district stating that further operation of the district is contrary to the best interest of the inhabitants of the county in which the district is located and that the county seeks to withdraw from the district. The circuit court shall hear evidence on the petition. If the court finds that it is in the best interest of the inhabitants of the county in which the district is located for the county to withdraw from the district, the court shall make an order reciting the same and submit

the question to the voters. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following format:

“Shall the County of (insert name of county) being part of (insert name of district) Extension District withdraw from the district?”

The question shall be submitted at the next general municipal election date. The election returns shall be certified to the court. If the court finds that two-thirds of the voters voting on the question voted in favor of withdrawing from the district, the court shall issue an order withdrawing the county from the district, which shall contain a proviso that the district shall remain intact for the sole purposes of paying all outstanding and lawful obligations and disposing of the district’s property. No additional costs or obligations for the withdrawing county shall be created except as necessary. The withdrawal shall occur on the first day of the following January after the vote. If the court finds that two-thirds of the voters voting on the question shall not have voted favorably on the question to withdraw from the district, the court shall issue an order dismissing the petition and the district shall continue to operate.

11. The governing body of any district may seek voter approval to increase its current tax rate authorized under this section, provided such increase shall not cause the total tax to exceed thirty cents per one hundred dollars of assessed valuation. To propose such an increase, the governing body shall submit the question to the voters at the general municipal election in the county in which the district is located. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following form:

“Shall the Extension District in (insert name of county or counties) be authorized to increase the tax rate from (insert current amount of tax) cents to (insert proposed amount of tax not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?”

In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district do not approve the question, then the tax shall not be imposed. In a consolidated district, if a majority of voters in the district approve the question, then the district shall impose the new tax rate. If a majority of the voters in a consolidated district do not approve the question, then the tax shall not be imposed in any county of the district. Revenues collected from the imposition of the tax authorized under this section shall be deposited into the special fund dedicated only for use by the district.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 16, Section 262.900, Line 14, by inserting after all of said line the following:

“14. The provisions of this section shall not apply to any county with a charter form of government

and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger moved that **SS** for **SCS** for **HB 542**, as amended, be adopted, which motion prevailed.

Senator Munzlinger moved that **SS** for **SCS** for **HB 542**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Dempsey referred **SS** for **SCS** for **HB 542**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

At the request of Senator Cunningham, **HB 329**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 256, 33** and **305**, was placed on the Informal Calendar.

HB 346 was placed on the Informal Calendar.

HB 331, introduced by Representatives Miller and Funderburk, entitled:

An Act to repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

Was taken up by Senator Emery.

Senators Emery and Lager offered **SS** for **HB 331**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 331**

An Act to repeal sections 67.1830, 67.1836, 67.1838, 67.1842, 392.415, 392.420, and 392.461, RSMo, and to enact in lieu thereof twenty-two new sections relating to telecommunications.

Senator Emery moved that **SS** for **HB 331** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Emery, **SS** for **HB 331** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—30		

NAYS—Senators—None

Absent—Senators

Kraus	McKenna	Rupp	Walsh—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 329, introduced by Representatives Dugger and Crawford, with **SCS**, entitled:

An Act to repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan violations reporting, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Cunningham.

SCS for **HB 329**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 329

An Act to repeal sections 361.160, 408.140, 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof four new sections relating to financial institutions.

Was taken up.

Senator Cunningham moved that **SCS** for **HB 329** be adopted.

Senator Keaveny offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 329, Page 8, Section 408.600, Line 43, by inserting after all of said line the following:

“513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person’s interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan [or], profit-sharing plan, **health savings plan, or similar plan, including an inherited account or plan**, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether such participant's or beneficiary's**

interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms “alternate payee” and “qualified domestic relations order” have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor’s right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Sater offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute House Bill No. 329, Page 1, Section A, Line 3, by inserting after all of said line the following:

“208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the **family support** division [of family services] to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 [and 208.162] shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the **family support** division [of family services]; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. “Living together” for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living

separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the **family support** division [of family services] may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the **family support** division [of family services] may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance

for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the **family support** division [of family services], less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the **family support** division [of family services] and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the **family support** division [of family services] to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436 shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, “burial lots” means any burial space as defined in section 214.270 and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest transfer, amend, or take any other such actions regarding the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the purchaser or his or her successors. In determining eligibility and the amount of benefits to be granted under federally aided programs, the value of any life insurance policy where a seller or provider is made the beneficiary or where the life insurance policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under chapter 436, shall not be taken into account or considered an asset of the beneficiary of the irrevocable prearranged funeral contract. **In addition, the value of any funds, up to nine thousand nine hundred ninety-nine dollars, placed into an irrevocable personal funeral trust account, where the trustee of**

the irrevocable personal funeral trust account is a state or federally chartered financial institution authorized to exercise trust powers in the state of Missouri, shall not be taken into account or considered an asset of the person whose funds are so deposited if such funds are restricted to be used only for the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into said personal funeral trust account. No person or entity shall charge more than ten percent of the total amount deposited into a personal funeral trust in order to create or set up said personal funeral trust, and any fees charged for the maintenance of such a personal funeral trust shall not exceed three percent of the trust assets annually. Trustees may commingle funds from two or more such personal funeral trust accounts so long as accurate books and records are kept as to the value, deposits, and disbursements of each individual depositor's funds and trustees are to use the prudent investor standard as to the investment of any funds placed into a personal funeral trust. If the person whose funds are deposited into the personal funeral trust account receives any public assistance benefits pursuant to this chapter and any funds in the personal funeral trust account are, for any reason, not spent on the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into the trust account, such funds shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the person who received public assistance benefits or his or her successors. No contract with any cemetery, funeral establishment, or any provider or seller shall be required in regards to funds placed into a personal funeral trust account as set out in this subsection.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a, et seq., the **family support** division [of family services] shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the **family support** division [of family services] of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The **family support** division [of family services] shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except for hospital outpatient services or the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

12. An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5.";

and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SCS** for **HB 329**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **HB 329**, as amended, was read the 3rd time and passed

by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for HBs 256, 33 and 305, entitled:

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof two new sections relating to public safety, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Kehoe.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 256, 33 and 305, Page 1, Section A, Line 2, by inserting after all of said line the following:

“610.015. Except as provided in section 610.021, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each “yea” and “nay” vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri general assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting **or who are participating via videoconferencing**. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the

public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted.

At the request of Senator Kehoe, **HCS** for **HBs 256, 33** and **305**, with **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 188**, entitled:

An Act to repeal sections 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof three new sections relating to conditional release of sexually violent predators, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 59**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 60**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 80**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 234**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **SB 235**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 306**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 324**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 376**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Romine moved that **SB 188**, with **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 188**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 188

An Act to repeal sections 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof three new sections relating to conditional release of sexually violent predators, with an emergency clause.

Was taken up.

Senator Romine moved that **HCS** for **SB 188** be adopted.

At the request of Senator Romine, the above motion was withdrawn, which placed the bill on the Informal Calendar.

On motion of Senator Richard, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

Senator Richard announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **SB 16**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 191**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 237**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 329**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 23**, entitled:

An Act to repeal sections 32.087, 67.1010, 137.1018, 144.010, 144.020, 144.021, 144.030, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.605, 144.610, 144.613, 144.615, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 302.302, 302.341, 476.385, and 577.041, RSMo, and 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof forty-five new sections relating to

political subdivisions, with penalty provisions, an emergency clause for a certain section, and an effective date for certain sections.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, 6, 7, 8 and 9, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment Nos. 12, 13, 14, 16, 17, 18 and 19, House Substitute Amendment No. 1 for House Amendment No. 20, House Amendment Nos. 21, 22, 23 and 24.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 23, Page 2, In the Title, Line 28, by deleting the phrase “political subdivisions” on said line and inserting in lieu thereof the phrase “taxation”; and

Further amend said bill, Page 71, Section 302.309, Line 85, by deleting the word “if” on said line and inserting in lieu thereof, the phrase “[if] **unless**”; and

Further amend said bill, page, and section, Line 86, by placing opening and closing brackets, “[]”, around the around the word “not” on said line; and

Further amend said bill, page, and section, Line 90, by deleting the phrase “**immediately upon the person’s license revocation**” on said line; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 23, Page 1, Line 1 of said amendment, by deleting all of said line and inserting in lieu thereof the following:

“Amend House Committee Substitute for Senate Bill No. 23, Page 34, Section 144.810, Line 28, by deleting the word “**five**” and inserting in lieu thereof the word “**two**” ; and

Further amend said bill, section, and page, Line 29, by deleting the word “**five**” and inserting in lieu thereof the word “**two**” ; and

Further amend said bill and section, Page 35, Line 60, by deleting the word “**thirty-seven**” and inserting in lieu thereof the word “**five**” ; and

Further amend said bill, section, and page, Line 65, by deleting the word “**thirty**” and inserting in lieu thereof the word “**five**” ; and

Further amend said bill, Pages 77 to 87, Section 348.273 and” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 23, Pages 77-87, Sections 348.273 and 348.274, by deleting all of said sections from the bill and inserting in lieu thereof, the following:

“**348.273. 1. This section and section 348.274 shall be known and may be cited as the “Missouri**

Angel Investment Incentive Act”.

2. As used in this section and section 348.274, the following terms mean:

(1) “Cash investment”, money or money equivalent contribution;

(2) “Department”, the department of economic development;

(3) “Investor”:

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2013;

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2013; or

(c) A natural person or permitted entity investor making an investment that is permitted under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2013.

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor and such person shall not qualify for the issuance of tax credits for such investment;

(4) “MTC”, the Missouri technology corporation, established under section 348.250;

(5) “Owner”, any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(6) “Permitted entity investor”, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, general partnership, limited partnership, small corporation described in section 143.471, revocable living trust, or limited liability company that has elected to be taxed as a partnership under the United States internal revenue code, and that was established and is operated for the purpose of making investments in other entities;

(7) “Qualified knowledge-based company”, a company based on the use of ideas and information to provide innovative technologies, products, and services;

(8) “Qualified Missouri business”, the Missouri businesses that are approved and certified as qualified knowledge-based companies by the MTC that meet at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business’s production in Missouri;

(9) “Qualified securities”, a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the department. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument's term;

(10) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

3. The Missouri angel investment incentive act shall be administered by the MTC and the department, with the primary goal of encouraging individuals to provide seed-capital financing for emerging Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. The MTC shall review applications from businesses requesting designation as a qualified Missouri business and allocate the amount of available tax credits among the qualified Missouri businesses. The department shall establish its own rules of procedure, including the form and substance of applications to be used by the MTC and the criteria to be considered by the MTC when evaluating a qualified Missouri business, such applications and criteria to be not less than the minimum requirements set forth in subsection 5 of this section. The department shall issue tax credits to qualified investors that make cash investments in qualified Missouri businesses that have been allocated available tax credits by the MTC.

4. (1) A tax credit shall be allowed for an investor's cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such investor's cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to the year beginning January 1, 2014. If the amount by which that portion of the credit allowed by this section exceeds the investor's liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The department shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2019. The total amount of tax credits allocated under this section shall not exceed six million dollars per year.

(4) At the beginning of each calendar year, the department shall equally designate the tax credits available during that year for investments made in companies within each congressional district of the state. At the beginning of each calendar quarter, the department shall allocate to each congressional district one-fourth of the total tax credits designated to such district for the calendar year such that the MTC can allocate tax credits among the qualified Missouri businesses within such district. The department shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, the MTC shall report to the department any unallocated tax credits for the preceding quarter for each congressional district. Such report shall meet the requirements set forth in section 348.274. The department shall aggregate all such tax credits and reallocate them equally among the congressional districts as soon as possible during the next consecutive calendar quarter. Each congressional district shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a congressional district in need of additional tax credits for transactions closing in the fourth calendar quarter may receive unallocated tax credits to the extent such credits are available. When the MTC transfers unallocated tax credits to another congressional district under this subdivision, the MTC shall provide to the department a written confirmation authorizing such transfer and the MTC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved by the MTC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to the MTC in accordance with the provisions of this section.

(2) The application by a business to the MTC shall be in the form and substance as required by the department, but shall include at least the following:

(a) The name of the business and certified copies of the organizational documents of the business;

(b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;

(c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;

(d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;

(e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and

(f) Such other information as the MTC or the department may reasonably request.

(3) The designation of a business as a qualified Missouri business shall be made by the MTC, and such designation shall be renewed annually. A business shall be so designated if the MTC determines, based upon the application submitted by the business and any additional investigation the MTC shall

make, that such business meets the criteria established by the department. Such criteria shall include at least the following:

- (a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;
- (b) Businesses that are not bioscience businesses shall have been in operation for less than five years, and bioscience businesses shall have been in operation for less than ten years;
- (c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;
- (d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock, that can be traded via a public stock exchange before the date that a qualifying investment is made;
- (e) The business shall not be engaged primarily in any one or more of the following enterprises:
 - a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;
 - b. The provision of professional services, such as legal, accounting, or engineering services;
 - c. Governmental, charitable, religious, or trade organizations;
 - d. The ownership, development brokerage, sales, or leasing of real estate;
 - e. Insurance;
 - f. Construction or construction management or contracting;
 - g. Business consulting or brokerage;
 - h. Any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;
 - i. Any activity that is in violation of the law;
 - j. Any business raising money primarily to purchase real estate, land, or fixtures; and
 - k. Any gambling related business;
- (f) The business has a reasonable chance of success;
- (g) The business has the reasonable potential to create measurable employment within the region, this state, or both;
- (h) The business has an innovative and proprietary technology, product, or service;
- (i) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;
- (j) The securities to be issued and purchased are qualified securities;
- (k) The business has the reasonable potential to address the needs and opportunities specific to

the region or this state, or both;

(l) The business has made binding commitments to the MTC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the MTC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the MTC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets; and

(m) The business shall satisfy all other requirements of this section and section 348.274.

(4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the department.

(5) A qualified Missouri business shall have the burden of proof to demonstrate to the MTC the qualifications of the business under this section.

(6) Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.274 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

348.274. 1. (1) The MTC is authorized to allocate tax credits to qualified Missouri businesses. The department is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the MTC, are most likely to provide the greatest economic benefit to the region, the state, or both. The MTC may allocate, and the department may issue, whole or partial tax credits based on the MTC's assessment of the qualified Missouri businesses. The MTC may consider numerous factors in such assessment, including but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which the MTC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the MTC a report before such tax credits are issued. The MTC shall provide copies of this report to the department. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as the MTC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the MTC and the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The department shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The department shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by the MTC or the department with respect to this section and section 348.273.

(4) If the department determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department shall send a notice of loss of designation to the business, the MTC, the director of the department of revenue and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business and shall repay any financial assistance to the MTC, in an amount to be determined by the MTC. Each qualified Missouri business that loses its designation as a qualified Missouri business shall enter into a repayment agreement with the MTC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted the MTC or the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the MTC and the department, as applicable. For the purposes of this section and section 348.273, "trade secrets" means any customer lists, formula, compound, production data, or compilation of information that will allow individuals within a commercial concern using such information the means to fabricate, produce, or compound an article of trade or perform any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) The MTC and the department may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee's Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the department.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the MTC on an annual basis, on or before February first. The MTC shall provide copies of the reports to the department. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information as the MTC or the department may reasonably require under this section and section 348.273.

(2) The MTC shall report quarterly to the department on the allocation of the tax credits for each congressional district in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications the MTC received for business in each congressional district;

(b) The number and ratio of successful applications to unsuccessful applications;

(c) The amount of tax credits allocated but not issued in each congressional district in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms;

(d) The amount of unallocated tax credits in each congressional district; and

(e) Such other information as reasonably agreed upon by the MTC and the department.

(3) The department shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefitted from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in each congressional district that resulted

from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within each congressional district during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within each congressional district;

(h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;

(i) Information regarding what businesses derived benefit from the tax credits remained in the applicable congressional district, what businesses ceased business, what businesses were purchased, and what businesses may have moved out of the congressional district or state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and such business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 23, Page 9, Line 15, by inserting after the phrase “**prior to**” on said line, the phrase “**receipt of a proposal for benefits under this section or**”; and

Further amend said page and line, by inserting after the word “**intent**” on said line, the phrase “, **whichever occurs first**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section and line, the following:

“135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. [The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director’s designee, shall attend such hearing.]

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may, **by a majority vote of the members of the governing authority**, [file a petition with the department requesting the designation of] **adopt an ordinance or resolution designating** a specific area as an enhanced enterprise zone. Such [petition] **ordinance** shall include, in addition to a description of the physical, social, and economic characteristics of the area:

(1) A plan to provide adequate police protection within the area;

(2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;

(3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and

(7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall [be effective upon such approval by the department and shall] expire in twenty-five years.

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone.”; and

Further amend said bill, Page 93, Section 577.041, Line 138, by inserting after all of said section and line, the following:

“620.2000. Sections 620.2000 to 620.2020 shall be known and may be cited as the “Missouri Works Program”.

620.2005. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) **“Average wage”, the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;**

(2) **“Commencement of operations”, the starting date for the qualified company’s first new employee, which shall be no later than twelve months from the date of the approval;**

(3) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(4) “Department”, the Missouri department of economic development;

(5) “Director”, the director of the department of economic development;

(6) “Employee”, a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a non-controlling interest in stock of a qualified company that is publically traded;

(7) “Existing Missouri business”, a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely perform job duties within Missouri;

(8) “Full-time employee”, an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee’s work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(9) “Local incentives”, the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(10) “NAICS” or “NAICS industry classification”, the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(11) “New capital investment”, shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(12) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(13) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job.;

(14) “New payroll”, the amount of wages paid for all new jobs, , located at the project facility during the qualified company’s tax year that exceeds the project facility base payroll;

(15) “Notice of intent”, a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company’s intent to request benefits under this program;

(16) “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

(17) “Program”, the Missouri works program established in sections 620.2000 to 620.2020;

(18) “Project facility”, the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

(19) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(20) “Project facility base payroll”, the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(21) “Project period”, the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(22) “Projected net fiscal benefit”, the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(23) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy, may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization.

Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Healthcare and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for

benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(24) “Related company”, shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, “control of a qualified company” shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(26) “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(27) “Related facility base payroll”, the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(28) “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(29) “Tax credits”, tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(30) “Withholding tax”, the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

(31) This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval;

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed;

3. Upon approval of a notice of intent to receive tax credits under subsections 2 and 5 of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of new jobs, new payroll, and new capital investment for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;

(3) Clawback provisions, as may be required by the department; and

(4) Any other provisions the department may require.

4. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

(1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or

(2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

5. In addition to the benefits available under subsections 4 of this section, the department may award a qualified company that satisfies the provisions of subsection 4 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to

a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

6. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment at the project facility prior to approval of its notice of intent.

620.2015. 1. In exchange for the consideration provided by the tax revenues and other economic stimuli that will be generated by the retention of jobs and the making of new capital investment in this state, a qualified company may be eligible to receive the benefits described in this section if the department determines that there is a significant probability that the qualified company would relocate to another state in the absence of the benefits authorized under this section. In no event shall the total amount of benefits available to all qualified companies under this section exceed six million dollars in any fiscal year.

2. A qualified company meeting the requirements of this section may be authorized to retain an amount not to exceed one hundred percent of the withholding tax from full-time jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, for a period of ten years if the average wage of the retained jobs equals or exceeds ninety percent of the county average wage. In order to receive benefits under this section, a qualified company shall enter into written agreement with the department containing detailed performance requirements and repayment penalties in event of nonperformance. The amount of benefits awarded to a qualified company under this section shall not exceed the projected net fiscal benefit and shall not exceed the least amount necessary to obtain the qualified company's commitment to retain the necessary number of jobs and make the required new capital investment.

3. In order to be eligible to receive benefits under this section, the qualified company shall meet each of the following conditions:

(1) The qualified company shall agree to retain, for a period of ten years from the date of approval of the notice of intent, at least fifty retained jobs; and

(2) The qualified company shall agree to make a new capital investment at the project facility within three years of the approval in an amount equal to one-half the total benefits, available under this section, which are offered to the qualified company by the department.

4. In awarding benefits under this section, the department shall consider the factors set forth in subsection 2 of section 620.2010.

5. Upon approval of a notice of intent to request benefits under this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of retained jobs, payroll, and new capital investment for each year during the project period;

(2) Clawback provisions, as may be required by the department; and

(3) Any other provisions the department may require.

620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified

company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for program benefits available no later than 90 days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits

attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of section 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred and six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred and eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred and sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, , the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall

not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 620.2000 to 620.2020 shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020;

and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section and line, the following:

“135.1550. 1. Sections 135.1550 to 135.1575 shall be known and may be cited as the “Missouri Export Incentive Act”.

2. As used in sections 135.1550 to 135.1575, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Air export tax credit”, the tax credit against the taxes imposed under chapters 143, 147, and 148, except for those in sections 143.191 to 143.265, to be issued by the department to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

(2) “Airport”, any international airport located within the state;

(3) “Chargeable kilo”, the shipment of a kilo of freight, as measured by the greater of:

(a) Actual weight; or

(b) A dimensional weight, as determined by the conversion factors promulgated by the International Air Transport Association, on a qualifying outbound flight;

(4) “Claiming freight forwarder”, the freight forwarder designated as the “agent” on the airway bill for the qualifying outbound flight for which such air export tax credit is sought;

(5) “Department”, the Missouri department of economic development;

(6) “Direct international aircraft flight”, a single aircraft transoceanic flight that operates to an international destination in accordance with the operators bilateral route authority;

(7) “Freight forwarder”, a person who assumes responsibility in the ordinary course of business for the transportation of cargo from the place of receipt to the place of destination, including the utilization of a qualifying outbound flight;

(8) “Qualifying outbound flight”, a direct international aircraft flight that carries either all cargo or a mix of passengers and cargo from the airport to an international destination.

135.1555. 1. For all fiscal years beginning on or after July 1, 2013, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to forty cents per chargeable kilo.

2. The department shall index, and the secretary of state shall publish in the Missouri Register, the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1560. 1. To receive benefits provided under section 135.1555, a claiming freight forwarder

shall file an application with the department within one hundred twenty calendar days of the date of shipment. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within twenty business days of the filing of the application.

2. If the fiscal year cap on the issuance of air export tax credits provided under section 135.1565 is met in a given fiscal year, then the amount of such tax credits that have been authorized, but remain unissued, shall be carried forward and issued in the subsequent fiscal year.

3. No tax credits provided under this section shall be authorized after June 30, 2021. Any tax credits authorized on or before June 30, 2021, but not issued, may be issued until all such authorized tax credits have been issued.

135.1565. The total aggregate amount for air export tax credits authorized under section 135.1555 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1555 shall not exceed seven million five hundred thousand dollars for each fiscal year beginning on or after July 1, 2013, unless authorized by the department. Any amount issued exceeding seven million five hundred thousand dollars in a fiscal year shall be reduced first from the authorized amount for the fiscal year ending June 30, 2021, and then the preceding fiscal years, until all such authorized credits have been issued.

135.1570. If the amount of any tax credit authorized under sections 135.1550 to 135.1575 exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, except those in sections 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever occurs first. Tax credits authorized under the provisions of sections 135.1550 to 135.1575 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

135.1575. 1. The department may promulgate rules to implement the provisions of sections 135.1550 to 135.1575. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

(1) The provisions of the new programs authorized under sections 135.1550 to 135.1575 shall automatically sunset eight years after the effective date of this act, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under sections 135.1550 to 135.1575 sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 23, Page 48, Section 184.865, Line 7, by inserting after all of said line the following:

“198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining apartments for seniors that provide at a minimum housing[, and food services[, and emergency call buttons to the apartment residents] in any county of the third **or fourth** classification [without a township form of government and with more than twenty-eight thousand two hundred but fewer than twenty-eight thousand three hundred inhabitants or any county of the third classification without a township form of government and with more than nine thousand five hundred fifty but fewer than nine thousand six hundred fifty inhabitants] **within its corporate limits**. Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 23, Page 11, Section 137.1018, Line 42, by inserting after all of said line the following:

“143.145. 1. As used in this section, the following terms mean:

(1) “Deduction”, an amount deducted from the taxpayer’s Missouri adjusted gross income pursuant to section 143.121 to determine Missouri taxable income for the tax year in which such deduction is claimed;

(2) “Purchase”, any conveyance to a taxpayer of fee simple ownership interest in a qualified principal residence made by deed executed by any person having authority to convey the same, or by his agent or attorney, and acknowledged and recorded pursuant to chapter 442 after the effective date of this section but before January 1, 2016;

(3) “Contract sales price”, the total price paid by a taxpayer for the purchase of a qualified principal residence;

(4) “Qualified principal residence”, any single-family residence located in the state of Missouri, whether detached or attached, that is owner occupied or will be owner occupied after purchase by the taxpayer claiming the deduction allowed by this section as his or her primary residence, for which construction began and has been completed between August 28, 2013, and December 31, 2015, and that has not been previously occupied. For the purposes of this section, a manufactured home, modular unit, recreational park trailer, or recreational vehicle as defined in section 700.010, shall not be considered a single-family residence. For the purposes of this section, the value of land or any pre-existing structures on such land shall not be included in the value of such residence. The taxpayer

shall submit an appraisal to the department that separately states the value of the land and any existing structures in order to claim the deduction;

(5) “Recapture period”, the two taxable years beginning with the first taxable year following the taxable year in which the taxpayer occupied the qualified principal residence for which a deduction is allowed under this section, except that such recapture period shall be deemed to have expired immediately upon the date of the death of any person deemed a taxpayer under this section;

(6) “Taxpayer”, an individual who purchases a fee simple ownership interest in a qualified principal residence during a taxable year and has not previously received a deduction issued pursuant to this section in any taxable year.

2. In addition to all deductions listed in this chapter, for taxable years beginning on or after January 1, 2013, and ending on or before December 31, 2015, a taxpayer shall be allowed a deduction for the purchase of a qualified principal residence in this state. The deduction amount shall be equal to the lesser of:

- (1) One-third of the contract sales price of the qualified principal residence in this state; or
- (2) One hundred sixty-six thousand six hundred sixty-seven dollars.

3. No taxpayer shall claim a tax deduction for the purchase of more than one qualified principal residence under this section. Such tax deduction shall be limited to a maximum tax benefit of ten thousand dollars.

4. If the amount of the deduction allowed under this section exceeds the total Missouri adjusted gross income for the taxpayer in the same tax year in which the deduction is allowed without taking into account the deduction allowed by this section, the amount that exceeds the total Missouri adjusted gross income for the taxpayer without taking into account the deduction allowed by this section may be carried forward to any subsequent tax year until the full deduction is claimed.

5. If a taxpayer disposes of his or her qualified principal residence for which a deduction was allowed under this section or such qualified principal residence ceases to be the principal residence of the taxpayer (and if married the taxpayer’s spouse) before the end of the recapture period, then any remaining unused deduction shall be cancelled, and the taxpayer shall be subject to an addition to his or her Missouri adjusted gross income of any amount deducted under this section in any preceding tax year. The provisions of this subsection shall not apply in the case of a transfer of a qualified principal residence from an individual taxpayer to a spouse (or to a former spouse if the transfer is incident to a divorce) or from an individual taxpayer to a grantor-trust or a single-member limited liability company owned by the taxpayer.

6. If a Missouri taxpayer self-constructs a qualified principal residence, such taxpayer shall be eligible for a tax deduction allowed by this section by satisfying the department of revenue’s proof of documentation requirements to verify the contract sale price of a qualified principle residence.

7. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed and may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2015, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset December thirty-first one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 23, Page 20, Section 144.030, Line 109, by deleting all of said line and inserting in lieu thereof the following words, “corporation, **provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this paragraph shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said Section and Line the following:

“99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner

required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied

pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems** licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new

state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to

subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

- (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
- (t) The total number of full-time equivalent positions in the development area;
- (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
- (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
- (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
- (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
- (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
- (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
- (aa) A list of other community and economic benefits to result from the project;
- (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
- (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;
- (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
- (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
- (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
- (gg) A market study for the development area;
- (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his

or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a

redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 23, Page 87, Section 348.274, Line 140, by inserting after all of said Section and Line the following:

“393.760. 1. Each participating municipality shall, in accordance with the provisions of chapter 115, order an election to be held whereby the qualified electors in such participating municipality shall approve or disapprove the issuance of its bonds to finance its individual interest in the project. The participating municipality may not order such an election until it has received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each such participating municipality and such report shall be open to public inspection and shall be the subject of a public hearing in each participating municipality. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each such participating municipality. Interested parties may appear and fully participate in such hearings.

2. Each participating municipality shall notify the election authority or authorities responsible for conducting elections within such participating municipality in accordance with chapter 115.

3. The question shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall (name of participating municipality) issue its (type) revenue bonds in an amount not to exceed \$..... for the purpose of paying its share of the cost of participating in (describe project)?

☐ YES

☐ NO

If you are in favor of the resolution, place an “X” in the box opposite “Yes”.

If you are opposed to the question, place an “X” in the box opposite “No”.

4. If the issuance of the bonds is approved by at least a majority of the qualified electors voting thereon in the participating municipality, the participating municipality shall declare the result of the election and cause the bonds to be issued.

5. Each participating municipality shall bear all expenses associated with the elections in such participating municipality.

6. [In lieu of the public voting procedure set forth in subsections 1 to 5 of this section, in] **In** the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed

through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 11

Amend House Amendment No.11 to House Committee Substitute for Senate Bill No. 23, Page 6, Line 25, by inserting after all of said line, the following:

“Further amend said bill, Page 6, Section 32.087, Line 136, by inserting after the word “purchaser” on said line, the phrase “, **and remitted to that local taxing entity**”; and

Further amend said bill, Page 26, Section 144.069, Line 9, by inserting after the word “collected” on said line, the phrase “**and remitted**”; and

Further amend said bill, Page 28, Section 144.455, Line 2, by inserting after the word “on” on said line, the phrase “**the titling of**”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section and line, the following:

“99.1205. 1. This section shall be known and may be cited as the “Distressed Areas Land Assemblage Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Acquisition costs”, the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures **or any portion thereof, together with engineering costs, surveying costs, title insurance, and architectural and design costs incurred in connection with acquisition, financing, parcel consolidation or site and redevelopment area planning regarding one or more eligible parcels**, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of [five] **twelve** years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for [title insurance and survey,] attorney’s fees, relocation costs, fines, or bills from a municipality;

(2) “Applicant”, any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of this subsection; and

(b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal authority, as a

redeveloper or similar designation, under an economic incentive law, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area, which encompasses all of an eligible project area, has been approved or adopted under an economic incentive law. In addition to being designated the redeveloper, the applicant shall have been designated to receive economic incentives only after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section **unless such economic incentives were approved for an eligible project area qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of this subsection.** The redevelopment agreement shall provide that[:

a.] the funds generated through the use or sale of the tax credits issued under this section shall be used to redevelop the eligible project area[;

b.]. Additionally, except for projects in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of this subsection, the redevelopment agreement shall provide that:

a. No more than seventy-five percent of the urban renewal area identified in the urban renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped by the applicant; and

[c.] b. The remainder of the urban renewal area or the redevelopment area shall be redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

(3) “Certificate”, a tax credit certificate issued under this section;

(4) “Condemnation proceedings”, any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250;

(5) “Department”, the Missouri department of economic development;

(6) “Economic incentive laws”, any provision of Missouri law pursuant to which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive laws include, but are not limited to, the land clearance for redevelopment authority law under sections 99.300 to 99.660, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation program under sections 99.1080 to 99.1092;

(7) “Eligible parcel”, a parcel:

(a) Which is located within an eligible project area;

(b) Which is to be redeveloped;

(c) On which the applicant has not commenced construction prior to November 28, 2007;

(d) Which has been acquired **either directly by the applicant, or on behalf of the applicant through**

one or more affiliated companies controlled by the applicant or under common ownership with the applicant;

(e) Which has been acquired without the commencement of any condemnation proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel acquired **before August 28, 2007**, by the applicant from a municipal authority shall not constitute an eligible parcel; and

[(e)] **(f)** On which all outstanding taxes, fines, and bills levied by municipal governments that were levied by the municipality during the time period that the applicant held title to the eligible parcel have been paid in full;

(8) “Eligible project area”, an area which shall have satisfied the following requirements:

(a) The eligible project area shall consist of at least seventy-five acres and may include parcels within its boundaries that do not constitute an eligible parcel;

(b) At least eighty percent of the eligible project area shall be located within:

a. A Missouri qualified census tract area, as designated by the United States Department of Housing and Urban Development under 26 U.S.C. Section 42[, or within]; **or**

b. A distressed community as that term is defined in section 135.530; **or**

c. A redevelopment area as that term is defined under the real property tax increment allocation redevelopment act under sections 99.800 to 99.865 that:

(i) Contains at least three hundred acres of real property;

(ii) Includes or previously included in excess of one million square feet of commercial building space;

(iii) Contains eighty or more parcels; and

(iv) Is located within a low-income community as defined by 26 U.S.C. Section 45D as of January 1, 2011; **or**

d. Any area including and within one quarter mile of property formerly utilized by the state of Missouri as a penitentiary located in any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants.

(c) The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels, **but shall not include any parcel acquired by the applicant from a municipal authority. Any applicant applying for credits for costs incurred within an eligible project area qualified as such under subparagraph c. of paragraph (b) of this subdivision shall own, either directly by the applicant, or on behalf of the applicant through one or more affiliated companies controlled by the applicant or under common ownership with the applicant, at least one hundred fifty contiguous acres of real property, which may be separated by the width of public right-of-way, within the urban renewal area or redevelopment area containing such eligible project area;**

(d) Other than in eligible project areas qualified as such under subparagraph c. of paragraph (b) of this subdivision, the average number of parcels per acre in an eligible project area shall be four or more;

(e) Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;

(9) “Interest costs”, interest, loan fees, and closing costs, **any of which relate to or arise out of loans relating to acquisition costs, including without limitation, interest, loan fees, and closing costs associated with the refinancing of loans relating to acquisition costs.** Interest costs shall not include attorney’s fees;

(10) “Maintenance costs”, costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) “Municipal authority”, any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) “Municipality”, any city, town, village, or county;

(13) “Parcel”, a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) “Redeveloped”, the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(15) “Redevelopment agreement”, the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section; and such appointment or selection shall have been approved by an ordinance of the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, in which the eligible project area is located. The redevelopment agreement shall include a time line for redevelopment of the eligible project area, **including deadlines for commencement of work and for project completion, and shall provide the municipal authority the right to terminate the rights of the redeveloper under the redevelopment agreement if such deadlines are not met.** The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290.

3. **Subject to the limitations provided in subsection 7 of this section,** any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, in an amount equal to fifty percent of the acquisition costs; **except that, the tax credit for reasonable demolition costs shall be in an amount equal to one hundred percent of such costs,** and one hundred percent of the interest costs incurred for a period of [five] **twelve** years after the acquisition of an eligible parcel. [No tax credits shall be issued under this section until after January 1, 2008.]

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148 for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed

under sections 143.191 to 143.265. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On [an annual] **a quarterly** basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section **after August 28, 2013**, shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed [twenty] **thirty** million dollars. If the tax credits that are to be issued under this section exceed, in any year, the [twenty] **thirty** million dollar limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of [twenty] **thirty** million dollars, if there is only one applicant entitled to receive tax credits in that year; or

(2) **(a)** Issue the tax credits [on a pro rata basis] to all applicants entitled to receive tax credits in that year **as provided in this subdivision. The department shall determine on an ongoing basis during the course of each calendar year the amount of tax credits that have been issued to each applicant for each eligible project area during such year, and the amount of tax credits remaining available for issuance with respect to such calendar year, if any.**

(b) Applicants applying for tax credits with respect to projects located in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section shall not, in the aggregate, be issued tax credits in excess of fifty percent of the annual thirty million dollar limitation with respect to such calendar year. If more than one applicant qualifies for issuance of tax credits under the preceding sentence in a given calendar year, such tax credits shall be issued on a pro rata basis. Applicants applying for tax credits with respect to projects located in any other eligible project areas shall not, in the aggregate, be issued tax credits in excess of fifty

percent of the annual thirty million dollar limitation with respect to such calendar year. If more than one applicant qualifies for issuance of tax credits under the preceding sentence in a given calendar year, such tax credits shall be issued on a pro rata basis.

(c) In the event that the department determines, as of December thirty-first of a given calendar year, that the full amount of tax credits available for such calendar year under paragraph (b) of this subdivision with respect to projects located in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section, was not issued, then the department shall make available for allocation to qualifying applicants with respect to projects located in any other eligible project areas the unissued amount of such tax credits. In the event that the department determines, as of December thirty-first of a given calendar year, that the full amount of tax credits available for such calendar year under paragraph (b) of this subdivision with respect to projects not located in eligible project areas qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section, was not issued, then the department shall make available for allocation to qualifying applicants with respect to projects located in eligible project areas which qualified as such under subparagraph c. of paragraph (b) of subdivision (8) of subsection 2 of this section, the unissued amount of such tax credits.

(d) Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the [twenty] **thirty** million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years.

No tax credits provided under this section shall be authorized after August 28, [2013] **2019**. Any tax credits which have been authorized on or before August 28, [2013] **2019**, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include [the] **issued** tax credits in any **subsequent** sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

9. **Following its initial application for tax credits under this section for eligible costs incurred in 2013 or any following year, and during the period it continues to seek tax credits under this section, an applicant shall submit to the department on a quarterly basis at the end of each calendar quarter a report affirming such applicant's continued qualification as an applicant under this section, describing the applicant's progress toward meeting the deadlines for commencement of work and for project completion established under its redevelopment agreement with the applicable municipal**

authority, and including copies of any written notices from such municipal authority asserting or threatening a termination of such development agreement due to a breach or default in the performance of such applicant's obligations under such redevelopment agreement. The department shall review annually the eligibility of each applicant to receive tax credits under this section. The department shall not issue to an applicant any tax credits provided under this section after the date upon which the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, makes a finding that the applicant has failed to comply with deadlines regarding project commencement or completion or other material provisions of its redevelopment agreement with an applicant, and in furtherance of such finding, the governing body validly adopts an ordinance terminating its redevelopment agreement with the applicant, with the result that such applicant no longer satisfies the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. The governing body shall notify the department of the governing body's findings and shall deliver to the department a certified copy of the ordinance terminating such redevelopment agreement as soon as practicable.

10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 23, Page 8, Section 32.087, Line 191, by inserting after all of said section the following:

“33.080. 1. All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the [ordinary] **general** revenue fund of the state by the state treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the University of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government,

private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

2. Notwithstanding any provision of law to the contrary concerning the transfer of funds, ten million dollars shall be transferred from the Insurance dedicated fund established under section 374.150, and placed to the credit of the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

33.295. 1. There is hereby established the “Rebuild Damaged Infrastructure Program” to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

2. There is hereby created in the state treasury the “Rebuild Damaged Infrastructure Fund”, which shall consist of money appropriated or collected under this section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars shall instead be transferred to the state general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The provisions of this section shall expire on June 30, 2014.”; and

Further amend said bill, Page 87, Section 348.274, Line 140, by inserting after all of said section the following:

“360.045. 1. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To determine the location and construction of any facility to be financed under the provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve, extend, maintain, lease, and regulate the same; and to designate a participating health institution or a participating educational institution, as the case may be, as its agent to determine the location and construction of a facility undertaken by such participating health institution or participating educational institution, as the case may

be, under the provisions of sections 360.010 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the same, and to enter into contracts for any and all of such purposes including contracts for the management and operation of the facility;

(7) To lease to a participating health institution or a participating educational institution, as the case may be, the particular health or educational facility or facilities, as the case may be, upon such terms and conditions as the authority shall deem proper; to charge and collect rent therefor; to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the term of the lease for such period or periods at such rent as shall be determined by the authority or to purchase any or all of the particular leased facility or facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees thereof. Every lease agreement between the authority and an institution must contain a clause obligating the institution not to use the leased land, nor any facility located thereon, for sectarian instruction or study or as a place of religious worship, or in connection with any part of the program of a school or department of divinity of any religious denomination; to insure that this covenant is honored, each lease agreement shall allow the authority to conduct inspections, and every conveyance of title to an institution shall contain a restriction against use for any sectarian purpose;

(8) To issue its bonds, notes, or other obligations for any of its corporate purposes and to refund the same, all as provided in sections 360.010 to 360.140;

(9) To transfer assets of the authority to the rebuild damaged infrastructure fund created in section 33.295;

(10) To fix and revise from time to time and make and collect rates, rents, fees, and charges for the use of and services furnished or to be furnished by any facility or facilities or any portion thereof and to contract with any person, firm, or corporation or other body, public or private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents, fees, and charges established by a participating educational institution for its students or established by a participating health institution for its patients other than to require that such rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's obligations to the authority;

[(10)] (11) To establish rules and regulations for review by or on behalf of the authority of the retention or employment by a participating health institution or by a participating educational institution, as the case may be, of consulting engineers, architects, attorneys, accountants, construction and finance experts, superintendents, managers, and such other employees and agents as shall be determined to be necessary in connection with any such facility or facilities and for review by or on behalf of the authority of all reports, studies, or other material prepared in connection with any bond issue of the authority for any such facility or facilities. The costs incurred or to be incurred by a participating health institution or by a participating educational institution in connection with the review shall be deemed, where appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be deemed an annual expense of operation and maintenance of the facility or facilities;

[(11)] (12) To receive and accept from any public agency loans or grants for or in aid of the construction of a facility or facilities, or any portion thereof, or for equipping the same and to receive and accept grants, gifts, or other contributions from any source;

[(12)] (13) To mortgage or pledge all or any portion of any facility or facilities, including any other

health or educational facility or facilities conveyed to the authority for such purpose and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the holders of the bonds of the authority issued to finance such facility or facilities or any portion thereof or issued to refund or refinance outstanding indebtedness of a private health institution or a private institution of higher education as permitted by sections 360.010 to 360.140;

[(13)] **(14)** To make loans to any participating health institution or participating educational institution, as the case may be, for the cost of any facility or facilities in accordance with an agreement between the authority and such participating health institution or participating educational institution, as the case may be; except that no such loan shall exceed the total cost of such facility or facilities as determined by the participating health institution or participating educational institution, as the case may be, and approved by the authority;

[(14)] **(15)** To make loans to a participating health institution or participating educational institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued, made, or given by the institution for the cost of its facility or facilities, including the power to issue bonds and make loans to a participating health institution or participating educational institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and completed prior to or after September 28, 1975, whenever the authority finds that the financing is in the public interest, alleviates a financial hardship upon the participating health institution or participating educational institution, as the case may be, and results in a lesser cost of patient care or cost of education and a saving to third parties, including state or federal governments, and to others who must pay for the care or education;

[(15)] **(16)** To inspect any and all facilities assisted by the authority in any way to enforce the prohibition against sectarian or religious use at any time; and

[(16)] **(17)** To do all things necessary and convenient to carry out the purposes of sections 360.010 to 360.140.

2. Notwithstanding any provision of law to the contrary, including section 360.115, the authority shall transfer four million dollars of the assets of the authority to the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.”; and

374.150. 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the “Insurance Dedicated Fund”. The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount

appropriated, paid, or transferred to the fund during such fiscal year.

3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014.”; and

Further amend said bill, Page 94, Section C, Line 7, by inserting after all of said section the following:

“Section D. Because of the necessity to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, sections 33.080, 33.295, 360.045, and 374.150 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 33.080, 33.295, 360.045, and 374.150 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill, page, Section D, Line 1, by deleting the letter, “D” and inserting in lieu thereof the letter “E”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 23, Page 14, Section 144.010, Line 83, by deleting all of said line and inserting in lieu thereof the following:

“(a) Sales of admission tickets[,] **or** cash admissions[, charges and fees] to [or in] places of”; and

Further amend said section, Page 15, Line 125, by inserting after all of said line the following:

“144.018. 1. Notwithstanding any other provision of law to the contrary, except as provided under subsection 2 or 3 of this section, when a purchase of tangible personal property or service subject to tax is made for the purpose of resale, such purchase shall be either exempt or excluded under this chapter if the subsequent sale is:

- (1) Subject to a tax in this or any other state;
- (2) For resale;
- (3) Excluded from tax under this chapter;
- (4) Subject to tax but exempt under this chapter; or
- (5) Exempt from the sales tax laws of another state, if the subsequent sale is in such other state.

The purchase of tangible personal property by a taxpayer shall not be deemed to be for resale if such property is used or consumed by the taxpayer in providing a service on which tax is not imposed by subsection 1 of section 144.020, except purchases made in fulfillment of any obligation under a defense contract with the United States government.

2. For purposes of subdivision (2) of subsection 1 of section 144.020, a place of amusement, entertainment or recreation, including games or athletic events, shall remit tax on the amount paid for admissions or seating accommodations[, or fees paid to, or] in such place of amusement, entertainment or recreation. Any subsequent sale of such admissions or seating accommodations shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale

of such admissions or seating accommodations is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the place of amusement, entertainment, or recreation to remit tax on that sale.

3. For purposes of subdivision (6) of subsection 1 of section 144.020, a hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public shall remit tax on the amount of sales or charges for all rooms, meals, and drinks furnished at such hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public. Any subsequent sale of such rooms, meals, or drinks shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such rooms, meals, or drinks is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public to remit tax on that sale.

4. The provisions of this section are intended to reject and abrogate earlier case law interpretations of the state's sales and use tax law with regard to sales for resale as extended in *Music City Centre Management, LLC v. Director of Revenue*, 295 S.W.3d 465, (Mo. 2009) and *ICC Management, Inc. v. Director of Revenue*, 290 S.W.3d 699, (Mo. 2009). The provisions of this section are intended to clarify the exemption or exclusion of purchases for resale from sales and use taxes as originally enacted in this chapter.”; and

Further amend said bill, Page , Section 144.020, Line 16, by deleting all of said line and inserting in lieu thereof the following:

“accommodations[, or fees paid to, or] in any place of amusement, entertainment or recreation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 23, Page 40, Section 144.810, Line 242, by inserting after all of said line the following:

“169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) “Accumulated contributions”, the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member’s individual account together with interest thereon in the employees’ contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system’s actuary and approved by the board of trustees;

(3) “Average final compensation”, the highest average annual compensation received for any four

consecutive years of service. In determining whether years of service are “consecutive”, only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) “Beneficiary”, any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) “Board of education”, the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) “Board of trustees”, the board provided for in section 169.291 to administer the retirement system;

(7) “Break in service”, an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A “school or work day” is a day on which the employee’s employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee’s last job description to report to their place of employment for any reason;

(8) “Charter school”, any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) “Compensation”, the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member’s behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) “Creditable service”, the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) “Employee”, any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) “Employer”, the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the

employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) “Employer’s board”, the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) “Library district”, any urban public library district created from or within a school district under the provisions of section 182.703;

(15) “Medical board”, the board of physicians provided for in section 169.291;

(16) “Member”, any person who is a regular employee after the retirement system has been established hereunder (“active member”), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder (“inactive member”). **A person shall cease to be a member if the person has a break in service before earning any vested retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system;**

(17) “Minimum normal retirement age”, **for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement**, the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit[,] **and** with both years of creditable service and years of age prorated for fractional years; **for any person who becomes a member of the retirement system on or after January 1, 2014, including any person who was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years;**

(18) “Prior service”, service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) “Regular employee”, any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee’s status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) “Retirant”, a former member receiving a retirement allowance hereunder;

(21) “Retirement allowance”, annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) “School district”, any school district in which a retirement system shall be established under section 169.280.

169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a

quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the [employer] **employers** shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for [all] subsequent **calendar years through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.**

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections [407(a)(37)] **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal

to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any [retiree] **retirant** who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326. [Provided, further, any retiree] **Any retirant** who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326). Any beneficiary of a deceased [retiree] **retirant** who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and [the] first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the [statutory] **then applicable employer and member contribution rate as determined under subsection 4 of section 169.350**;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years

of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350.1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013**, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to

169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially

required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calendar year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 23, Section 67.1020, Page 8, Line 4, by inserting the following after all of said Line:

“67.1368. 1. The governing body of any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants as the county seat may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the county for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of county) at a rate of (insert rate of percent) percent for the promotion of the county, growth of the region, and economic development?

[] YES

[] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the

question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.

3. As used in this section, “transient guests” means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend said bill, Section 92.387, Page 10, Line 2, by inserting the following after all of said Line:

“94.1060. 1. The governing body of any city of the fourth classification with more than seven hundred but fewer than eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the promotion of the city, growth of the region, and economic development?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, “transient guests” means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 23, Page 15, Section 144.010, Line 117, by inserting after the word “services” on said line, the phrase “**subject to section 67.2689**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 23, Page 10, Section 67.2050, Line 73, by inserting after all of said section and line, the following:

“71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days’ notice thereof, either personally or by United States mail to the owner or owners, or the owner’s agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a

charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, [or] in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants, or in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants**, the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

77.675. 1. In addition to the process for passing ordinances provided in section 77.080, the council of any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants may adopt or repeal any ordinance by

passage of a bill that sets forth the ordinance and specifies that the ordinance so proposed shall be submitted to the registered voters of the city at the next municipal election. The bill shall be passed under the procedures in section 77.080, except that it shall take effect upon approval of a majority of the voters rather than upon the approval and signature of the mayor.

2. If the mayor approves and signs the bill, the question shall be submitted to the voters in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)

☐ YES

☐ NO

3. If a majority of the voters voting on the proposed ordinance vote in favor, such ordinance shall become a valid and binding ordinance of the city.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 23, Page 3, Section A, Line 30, by inserting after all of said line the following:

“**32.070. 1. This act shall be known and may be cited as the “Streamlined Sales and Use Tax Agreement Act”.**

2. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

3. In the first year after any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, the highest rate of the tax imposed on the Missouri taxable income of residents under chapter 143 shall be decreased from six percent to five and one half percent. The director of the department of revenue shall notify the revisor of statutes when such federal legislation is adopted and becomes effective in all states.

4. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.

5. For the purposes of representing the state as a member of the agreement and, if necessary, amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director’s designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and

the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

6. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement.

32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks.”; and

Further amend said bill, Pages 3 to 8, Section 32.087, Lines 1 to 191, by deleting all of said lines and inserting in lieu thereof the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] **17** of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] **(1)** The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters previously have approved a local use tax under section 144.757, shall have

placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non- Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that previously had imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no

longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election under subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

[6.] **5.** On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] **6.** All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] **7.** All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] **8.** The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] **9.** All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] **10.** The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12. (1)] **11.** For the purposes of any local sales tax imposed by an ordinance or order under the local

sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided by sections 144.040 to 144.043 and section 144.069.**

[13.] **12.** Local sales taxes [imposed pursuant to the local sales tax law on the purchase and sale] **shall not be imposed on the seller** of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] **13.** The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] **14.** The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law.

[He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by [him] **the director** for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for

taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

18. If the boundaries of a city in which a sales tax or use tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or local use tax law shall be effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

19. Any change to any local sales tax or local use tax boundary or rate shall be effective on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day

of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied

by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the “adjusted county average” is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the “redistribution formula” is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities

within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term “economic development funds” means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the

adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the

county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County AntiDrug Sales Tax Trust Fund". [The moneys in the county antidrug sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county antidrug sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust fund, which fund shall be separate and apart from the county sales tax trust fund established by section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of revenue.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term “funding of museums and festivals” shall mean:

(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and

(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section shall be submitted in substantially the following form:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

☐ YES

☐ NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters pursuant to this section. The board shall be comprised of six members who are appointed by the governing body of the county from a list of candidates supplied by the chair of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties. Members shall serve for three-year terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

8. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this section, the term “museums” means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the board to be a tourism attraction. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall be imposed pursuant to this section unless the governing authority submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing authority to impose the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent for the funding of museums? “Museums” means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the museum board to be a tourism attraction.

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If the proposal receives less than the required majority of votes, then the governing authority shall have no power to impose the tax unless and until the governing authority has again submitted another proposal to authorize the governing authority to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 [and] **to** 32.087 shall apply. The director may retain an amount not to exceed one percent for deposit in the general revenue fund to offset the costs of collection. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing authority may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons pursuant to sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid pursuant to this section, or in the event a determination has been made against the person for taxes and penalty pursuant to this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

5. The governing authority may authorize any museum board already existing in the county, or may establish a museum board, to expend revenue collected pursuant to this section. In the event that no museum board already exists, the board established pursuant to this section shall consist of six members who are appointed by the governing authority from a list of candidates supplied by the chair of each of the two major political parties of the county, with three members from each of the two parties. Members shall serve for three-year terms, but of the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county. The members shall not receive compensation for service on the board, but shall be reimbursed from the revenues collected pursuant to this section for any reasonable and necessary expenses incurred in service on the board. The board shall determine in what manner the revenues will be expended, and disbursements of these moneys shall be made strictly in accordance with this section. Expenditures may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel.

6. The governing authority may submit the question of repeal of the tax to the voters at any county or state general, primary, or special election. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert name of county) repeal the sales tax of (insert rate of percent) percent for the funding of museums?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”.

If you are opposed to the question, place an “X” in the box opposite “NO”. [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of the first class having a charter form of government and having a population of nine hundred thousand or more may impose an additional countywide sales tax upon approval by a vote of the qualified voters of the county. The

proposal may be submitted to the voters by the governing body of the county and shall be submitted to the voters at the next general election upon petitions signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county in the next preceding gubernatorial election filed with the governing body of the county. The submission shall include the levying of a sales tax at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible personal property or taxable services within the county which are also taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system of distribution may not be submitted to the voters for at least three years from the date of such voter approval.

2. The ballot of submission shall contain, but is not limited to, the following language:

Shall the County of levy an additional sales tax at the rate of (insert rate) and distribute the proceeds in the manner provided in (insert proper reference) (subsection 4)(subsection 5) of section 67.581, RSMo?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the additional sales tax shall be levied and collected and the proceeds from the additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then the governing body of the county shall have no power to impose the additional sales tax authorized by this section unless and until a proposal for the levy of such tax is submitted to and approved by the voters of the county.

3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and] **to** 32.087, except to the extent otherwise provided in this section, shall govern the levy, collection, distribution and other procedures related to an additional sales tax imposed pursuant to this section.

4. In any county adopting an additional sales tax pursuant to the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed first to those municipalities that did not receive during the preceding calendar year ninety-five percent of the amount the municipality would have received by multiplying the population of the municipality by the average per capita sales tax receipt for such county in an amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant to this section shall be distributed to all municipalities on the ratio that the population of each municipality bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the total sales tax revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county. Population of each municipality, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census. For the purposes of this subsection, any city, town, village or the unincorporated area of the county shall be considered a municipality.

5. In any county adopting an additional sales tax pursuant to the provisions of this section and selecting

the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed to all cities, towns and villages, and the unincorporated areas of the county in group B and to such cities, towns and villages in group A as necessary so that no city, town, or village in group A receives from the combined proceeds of both the sales tax imposed pursuant to this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita amount received by the cities, towns and villages and the unincorporated area of the county in group B receives from the total proceeds from both sales taxes.

6. The governing body of any county which is imposing a sales tax under the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the governing body of the county signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial election, submit to the qualified voters of the county a proposal to change the method of distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620 to the method provided in this subsection. The ballot of submission shall be in substantially the following form:

Shall the proceeds from the county sales tax be distributed among the county of and the various cities, towns and villages therein in the manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner of distribution?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, the sales tax imposed by the county under the provisions of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified voters of the county voting thereon are opposed to the proposal, then the governing body of the county shall have no power to order the proceeds from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such method of distribution is submitted to and approved by the voters of the county. If the voters approve the change in the method of distribution of the sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall notify the director of revenue of the change in the method of distribution within ten days after adoption of the proposal and shall inform the director of the effective date of the change in the method of distribution, which shall be on the first day of the third calendar quarter after the director of revenue receives notice. After the effective date of the change in the manner of distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have the proceeds distributed in the manner provided in this subsection shall be distributed in the following manner:

(1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages in group A and to the cities, towns and villages, and the county in group B as defined in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the total amount distributed under section 66.620, for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section has been distributed;

(2) All moneys received in excess of the total amount distributed under section 66.620 for the

twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section shall be distributed to all cities, towns and villages and to the county on the basis that the population of each city, town or village, and in the case of the county the basis that the population of the unincorporated area of the county, bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the remaining amount of the total sales tax revenues by the total population of the county. Population of each city, town or village, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census.

7. No municipality incorporated after the adoption of the tax authorized by this section shall be included as other than part of the unincorporated area of the county nor receive any share of either the proceeds from the tax levied pursuant to the provisions of this section or the tax levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such municipality had a population of ten thousand or more.

8. The county sales tax imposed pursuant to this section on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within the county imposing the additional sales tax. [The amounts so collected, less one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant for a certificate of title.]

9. No tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport, either upon, above or below the ground.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to

authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of (insert amount) to fund dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds

remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of more than forty thousand but less than sixty thousand and which contains institutions operated by the department of corrections and by the department of mental health is hereby authorized to impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; provided, however, that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing retirement and health care benefits for county employees and their dependents?

☐ YES☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing retirement and health care benefits for county employees and their dependents.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the “County Employee Benefit Sales Tax Trust Fund”. [The moneys in the county employee benefit sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county employee benefit sales tax trust fund shall be for the provision of retirement benefits or health care benefits for employees of the county and their dependents and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred

ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust

fund, which is hereby created, to be known as the “County Prosecuting Attorney’s Office Sales Tax Trust Fund” or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the “County Alternate Sales Tax Trust Fund”. [The moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director of revenue of the action at least

ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided in section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any county of the first class having a charter form of government and having a population of nine hundred thousand or more[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in sections 67.700 to 67.727,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County-Municipal Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county-municipal storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county and the records shall be open to the inspection of officers of the county and of the municipalities within the county and the public. Not later than the tenth day of each month, the director of the department of revenue shall distribute all moneys deposited in the county-municipal storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

2. The director of revenue may make refunds from the amounts in the county-municipal storm water and public works sales tax trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county or municipality. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county-municipal storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks

and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

3. If the governing body of any municipality located wholly or partially within the county so requests by resolution, no funds shall be expended from the proceeds of any tax imposed under section 67.701 within the corporate boundaries of the requesting municipality for the construction, reconstruction or widening of any road established or to be established pursuant to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b) plans and specifications of such proposed action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting principles of such proposed action is presented to such public hearing. Such cost-benefit analysis and its work papers shall be a public document and subject to inspection as provided in chapter 610. The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government and having a population of nine hundred thousand or more may, in the same manner and by the same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent for the purpose of funding storm water control and public works projects other than stadiums or other sports facilities. This sales tax shall be in addition to any other sales tax authorized by law.

2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the director of revenue from the tax authorized by this section on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the county storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality

located within the county bears to the total population of the county.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the county storm water and public works sales tax trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to 67.739 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refund from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal or expiration and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants

may impose a sales tax throughout the county for public recreational projects and programs, but the sales tax authorized by this section shall not become effective unless the governing body of such county submits to the qualified voters of the county a proposal to authorize the county to impose the sales tax.

2. The ballot submission shall be in substantially the following form:

Shall the County of impose a sales tax of up to one percent for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

3. If approved by a majority of qualified voters **voting on the issue** in the county, the governing body of the county shall appoint a board of directors consisting of nine members. Of the initial members appointed to the board, three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and three members shall be appointed for a term of one year. After the initial appointments, board members shall be appointed to three-year terms.

4. The sales tax may be imposed at a rate of up to one percent on the receipts from the retail sale of all tangible personal property or taxable service within the county, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

5. All revenue collected from the sales tax under this section by the director of revenue on behalf of a county[, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of such county and the general public. Not later than the tenth day of each calendar month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding calendar month by distributing to the county treasurer, or such officer as may be designated by county ordinance or order, of each county imposing the tax under this section the sum due the county as certified by the director of revenue.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund for a period of one year of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in a county, the director of revenue shall remit the balance in the account to the county and close the account of such county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due such county.

7. The tax authorized under this section may be imposed in accordance with this section by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

8. The sales tax imposed under this section shall expire twenty years from the effective date thereof unless an extension of the tax is submitted to and approved by the qualified voters in the county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The provisions of this section shall not in any way affect or limit the powers granted to any county to establish, maintain, and conduct parks and other recreational grounds for public recreation.

10. Except as modified in this section, the provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand and less than fifteen thousand and any county of the second class having a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit, may jointly impose a sales tax throughout each of their respective counties for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of each such county submits to the voters of their respective counties a proposal to authorize the counties to impose the sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of impose a sales tax of percent in conjunction with the county of for the purpose of funding the financing, acquisition, construction, operation and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each county are in favor of the proposal, then the tax shall be in effect in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other

officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing, acquisition, operation, construction, maintenance, or utilization of any recreation facility or project or program funded in whole or in part from revenues derived from the tax levied pursuant to the provisions of this section.

8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five years from the effective date thereof unless an extension of the tax is submitted to and approved by the voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The governing body of each of the counties imposing a sales tax under the provisions of this section may cooperate with the governing body of any county or other political subdivision of this state in carrying out the provisions of this section, and may establish and conduct jointly a system of public recreation. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each.

10. The provisions of this section shall not in any way repeal, affect or limit the powers granted to any county to establish, maintain and conduct parks and other recreational grounds for public recreation.

11. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of directors, impose an annual property tax for the establishment and maintenance of public parks and recreational facilities and grounds within the boundaries of the regional recreational district not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within the district, except that no such tax shall become effective unless the board of directors of the district submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax.

2. The question shall be submitted in substantially the following form:

Shall a cent tax per one hundred dollars assessed valuation be levied for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until the board of directors of the district submits another proposal to authorize the tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The property tax authorized in subsections 1 and 2 of this section shall be levied and collected in the same manner as other ad valorem property taxes are levied and collected.

4. (1) A regional recreational district may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of public parks, recreational facilities and grounds within the boundaries of a regional recreational district. The tax authorized by this subsection shall be in addition to all other sales taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

(2) In the event the district seeks to impose a sales tax pursuant to this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved pursuant to this subsection.

5. As used in this section, “qualified voters” or “voters” means any individuals residing within the proposed district who are eligible to be registered voters and who have registered to vote under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed

one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. [On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county[, except for one percent for the cost of collection which shall be deposited in the state’s general revenue fund,] shall be deposited in a special trust fund, which is hereby created and shall be known as the “Senior Services and Youth Programs Sales Tax Trust Fund”, and shall be used solely for the designated purposes. [Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state.] The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. [In order to permit sellers required to collect and report the sales tax to collect the amount required

to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285 and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525].

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the

votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.”; and

Further amend said bill, Page 8, Section 67.1020, Line 4, by inserting after all of said line the following:

“67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred

but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525:

(1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;

(2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;

(3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;

(4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and

(5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. [The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and

may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term “economic development” is limited to the following:

(1) Operations of economic development or community development offices, including the salaries of employees;

(2) Provision of training for job creation or retention;

(3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and

(4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective [on the first day of the second calendar quarter following the calendar quarter in which the election was held] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) Construction and operation of job training and educational facilities; and

(8) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. **The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of**

the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic

development projects, or designations of an economic development area.

[7.] **8.** The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] **9.** The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] **10.** Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087.** If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1305. 1. As used in this section, the term “city” shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the

governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. [The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087.** The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.

After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 [and] ~~to~~ 32.087 shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and
- (f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;
- (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
- (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- (d) Legal and accounting expenses directly associated with the economic development planning and preparation process;
- (e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are to be

appointed as follows:

(a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;

(b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, except that when a nine-member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

(1) A statement of its primary economic development goals;

(2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;

(3) A statement of total expenditures during the preceding calendar year in each of the following categories:

(a) Infrastructure improvements;

(b) Land and/or buildings;

(c) Machinery and equipment;

(d) Job training investments;

(e) Direct business incentives;

(f) Marketing;

(g) Administration and legal expenses; and

(h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or sales of electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer’s sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. [In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

[8.] **7.** All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] **8.** A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district’s ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] **9.** Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

10. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1712. 1. The governing body of any county located within the proposed metropolitan district is

hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of a metropolitan park and recreation district.

2. In addition to the tax authorized in subsection 1 of this section, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall not be implemented unless approved by the voters of the county with the largest population within the district and at least one other such county under subsection 2 of section 67.1715.

3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales taxes allowed by law. The governing body of any county within the metropolitan district enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing or increasing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections 67.1715 to 67.1721.

67.1775. 1. The governing body of a city not within a county, or any county of this state may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the county or city, or city not within a county, for the purpose of providing services described in section 210.861, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county or city, or city not within a county, at a county or city or state general, primary or special election upon the motion of the governing body of the county or city, or city not within a county or upon the petition of eight percent of the qualified voters of the county or city, or city not within a county, determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city, or city not within a county, shall give legal notice as provided in chapter 115. The question shall be submitted in substantially the following form:

Shall County or City, solely for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the city or county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director receives notification of the local sales tax. If a question receives less than the required majority, then the governing authority of the city or county, or city not within a county, shall have no power to impose the sales tax unless and until the governing authority of the city or county, or city not within a county, has submitted another question to authorize the imposition of the sales tax authorized by this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section.

2. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

3. All sales taxes collected by the director of revenue under this section on behalf of any city or county, or city not within a county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special fund, which is hereby created, to be known as the "Community Children's Services Fund". [The moneys in the city or county, or city not within a county, community children's services fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the fund which was collected in each city or county, or city not within a county, imposing a sales tax under this section, and the records shall be open to the inspection of officers of each city or county, or city not within a county, and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the fund during the preceding month by distributing to the city or county treasurer, or the treasurer of a city not within a county, or such other officer as may be designated by a city or county ordinance or order, or ordinance or order of a city not within a county, of each city or county, or city not within a county, imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the city or county.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the fund and credited to any city or county, or city not within a county, for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each city or county, or city not within a county, shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city not within a county or such city or county, the director of revenue shall remit the balance in the account to the city or county, or city not within a county, and close the account of that city or county, or city not within a county. The director of revenue shall notify each city or county, or city not within a county, of each instance of any amount refunded or any check redeemed from receipts due the city or county.

5. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

6. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury or, in a city not within a county, to the board established by law to administer such fund to the credit of a special community children's services fund to accomplish the purposes set out herein and in section 210.861, and shall be used for no other purpose. Such fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more

than one percent on all retail sales, except sales of [food as defined in section 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all utilities, telephone and wireless services,] and sales of funeral services, made **on or after January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. An exhibition center and recreational facility district may be created under this section in the following counties:

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants;

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants;

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants;

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants;

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants;

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants;

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants;

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants;

(11) Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;

(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

(1) The name and residence of each petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and

(3) The name of the proposed district.

4. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

(1) A description of the boundaries of the proposed district;

(2) The time and place of a hearing to be held to consider establishment of the proposed district;

(3) The proposed sales tax rate to be voted on within the proposed district; and

(4) The proposed uses for the revenue generated by the new sales tax.

5. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general

circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

- (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- (3) Rule upon all protests, which determinations shall be final.

6. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

7. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county [that is part of the proposed district on the first day of the first calendar quarter immediately following the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

- 8. There is hereby created a board of trustees to administer any district created and the expenditure of

revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon

bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

10. There is hereby created the “Exhibition Center and Recreational Facility District Sales Tax Trust Fund”, which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. [Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under**

the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

[12.] **13.** Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of one-fourth of one percent for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[13.] **14.** Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[14.] **15.** In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of

the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of promoting tourism in the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and

operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall (insert name of city) repeal the sales tax of (insert rate of percent) percent for tourism purposes now in effect in (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing

district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] **5.** Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed pursuant to this section.”; and

Further amend said bill, Page 10, Section 67.2050, Line 73, by inserting after all of said line the following:

“67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter

which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective [on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax] **as provided by section 32.087.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars

per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to

collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2)] 6. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the

collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing.

A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall (name of district) increase the (insert amount) percent district sales tax now in effect to..... (insert amount) in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in

which such increase was approved] **as provided by section 32.087.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court.

Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the

city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

11. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.”; and

Further amend said bill, Page 10, Section 92.387, Line 2, by inserting after all of said line the following:

“94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of(insert rate of percent) percent for [a] capital improvements purposes in the city's center city for a period of

(insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 to 32.087**. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section

receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 apply to the sales tax imposed under this section.

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/citywide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect [on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice] **as provided by section 32.087**. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days

prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No";

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax

authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired.”; and

Further amend said bill, Pages 12 to 15, Section 144.010, by deleting all of said section and inserting in lieu thereof the following:

“144.010. 1. The following words, terms, and phrases when used in [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) “Admission” includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) “Advertising and promotional direct mail”, **printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word “product” means tangible personal property, a product transferred electronically or a service;**

(3) “Agreement”, **the streamlined sales and use tax agreement, as amended from time to time;**

(4) “Air-to-ground radiotelephone service”, a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(5) “Alcoholic beverages”, beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(6) “Ancillary services”, services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services. Ancillary services shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(7) “Appliance”, clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator and freezer;

(8) “Bottled water”, water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

- (a) Antimicrobial agents;
- (b) Fluoride;
- (c) Carbonation;
- (d) Vitamins, minerals, and electrolytes;
- (e) Oxygen;
- (f) Preservatives; and
- (g) Only those flavors, extracts, or essences derived from a spice or fruit.

Bottled water includes water that is delivered to the buyer in a reusable container that is not sold with the water;

(9) “Bundled transaction”:

(a) The retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A bundled transaction shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction;

(b) As used in this paragraph, the term “distinct and identifiable products” shall not include:

a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

b. A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

c. Items included in the definition of the term sales price;

(c) As used in this paragraph, the term “one nonitemized price” shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form, including but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list;

(d) a. A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

(i) A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; or

(ii) A retail sale of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

(iii) A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis.

b. “De minimis” means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

c. Sellers shall use the sales price of the products to determine if the taxable products are de minimis.

d. (i) Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(ii) A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller’s purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property. Sellers shall not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent determination for a transaction;

(10) “Business” includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is “engaging in business” in this state for purposes of sections 144.010 to 144.525 if such person “engages in business in this state” or “maintains a place of business in this state” under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from

sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (11) “Calendar quarter”, the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(12) “Call-by-call basis”, any method of charging for telecommunications services where the price is measured by individual calls;

(13) “Candy”, a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. Candy shall not include any preparation containing flour and shall require no refrigeration;

(14) “Captive wildlife”, includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(15) “Certified automated system” or “CAS”, software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(16) “Certified service provider” or “CSP”, an agent certified under the streamlined sales and use tax agreement to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases;

(17) “Clothing”:

(a) All human wearing apparel suitable for general use;

(b) Clothing shall include:

a. Aprons, household and shop;

b. Athletic supporters;

c. Baby receiving blankets;

d. Bathing suits and caps;

e. Beach capes and coats;

f. Belts and suspenders;

g. Boots;

h. Coats and jackets;

i. Costumes;

j. Diapers, children and adult, including disposable diapers;

k. Ear muffs;

l. Footlets;

m. Formal wear;

n. Garters and garter belts;

- o. Girdles;**
- p. Gloves and mittens for general use;**
- q. Hats and caps;**
- r. Hosiery;**
- s. Insoles for shoes;**
- t. Lab coats;**
- u. Neckties;**
- v. Overshoes;**
- w. Pantyhose;**
- x. Rainwear;**
- y. Rubber pants;**
- z. Sandals;**
- aa. Scarves;**
- bb. Shoes and shoelaces;**
- cc. Slippers;**
- dd. Sneakers;**
- ee. Socks and stockings;**
- ff. Steel toed-shoes;**
- gg. Underwear;**
- hh. Uniforms, athletic and nonathletic; and**
- ii. Wedding apparel;**

(c) Clothing shall not include:

- a. Belt buckles sold separately;**
- b. Costume masks sold separately;**
- c. Patches and emblems sold separately;**
- d. Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and**
- e. Sewing materials that become part of clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers;**

(18) “Clothing accessories and equipment”, incidental items worn on the person or in conjunction with clothing. Clothing accessories and equipment are mutually exclusive of clothing, sport or recreational equipment, and protective equipment;

(19) “Coin-operated telephone service”, a telecommunications service paid for by inserting money

into a telephone accepting direct deposits of money to operate;

(20) “Communications channel”, a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

(21) “Computer”, an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions;

(22) “Computer software”, a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. Computer software shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(23) “Conference bridging service”, an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;

(24) “Customer”, the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this definition only applies to the purpose of sourcing sales of telecommunications services under section 144.043. Customer shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider’s licensed service area;

(25) “Customer channel termination point”, the location where the customer either inputs or receives the communication;

(26) “Delivered electronically”, delivered to the purchaser by means other than tangible storage media;

(27) “Delivery charges”, charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services, including but not limited to transportation, shipping, postage, handling, crating, and packing;

(28) “Detailed telecommunications billing service”, an ancillary service of separately stating information pertaining to individual calls on a customer’s billing statement;

(29) “Dietary supplement”, any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required under 21 CFR Section 101.36;

(30) “Digital audio works”, works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones;

(31) “Digital audio-visual works”, a series of related images which, when shown in succession,

impart an impression of motion, together with accompanying sounds, if any;

(32) “Digital books”, works that are generally recognized in the ordinary and usual sense as books;

(33) “Direct mail”, printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. Direct mail shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail shall not include multiple items of printed material delivered to a single address;

(34) “Directory assistance”, an ancillary service of providing telephone number information, or address information;

(35) “Drug”:

(a) A compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or supplement to any of them;

b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

c. Intended to affect the structure or any function of the body;

(b) Drug shall include insulin and medical oxygen;

(36) “Durable medical equipment”, equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

a. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

b. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, repair and replacement parts shall include all components or attachments used in conjunction with the durable medical equipment;

(37) “Electronic”, relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(38) “End user”, the person who utilizes the telecommunication service. In case of an entity, “end user” means the individual who utilizes the service on behalf of the entity;

(39) “Energy star qualified product”, a product that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy that is authorized to carry the Energy Star label. Covered products are those listed at www.energystar.gov or successor address;

(40) “Engages in business activities within this state”, includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller’s trade name in this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(41) “Food and food ingredients”, substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Food and food ingredients shall not include alcoholic beverages, tobacco, or dietary supplements;

(42) “Food sold through a vending machine”, food dispensed from a machine or other mechanical device that accepts payment;

(43) “Grooming and hygiene products”, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter drugs;

[(4)] (44) “Gross receipts”[,] or “sales price”:

(a) Except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term “gross receipts” shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;] applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in

money, whether received in money or otherwise, without any deduction for the following:

a. The seller's cost of the property sold;

b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

c. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

d. Delivery charges; and

e. Credit for any trade-in;

(b) Shall not include:

a. Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

b. Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and

c. Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(c) Shall include consideration received by the seller from third parties if:

a. The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

b. The seller has an obligation to pass the price reduction or discount through to the purchaser;

c. The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

d. One of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a preferred customer card that is available to any patron does not constitute membership in such a group); or

(iii) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser;

(45) "Home service provider", the same as such term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(46) "Lease or rental":

(a) Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend;

(b) Lease or rental shall not include:

a. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

b. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and where any payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;

c. Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;

(c) Lease or rental includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;

(47) “Light aircraft”, a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(48) “Light aircraft kit”, factory manufactured light aircraft parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified light aircraft purchaser for recreational and educational purposes;

(49) “Light aircraft parts and components”, manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified light aircraft purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

[(5)] (50) “Livestock”, cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

[(6)] (51) “Load and leave”, delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser;

(52) “Maintains a place of business in this state”, includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(53) “Mobile telecommunications service”, the same as such term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(54) “Mobility enhancing equipment”, equipment, including repair and replacement parts to same, which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and

(b) Is not generally used by persons with normal mobility; and

(c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.

Mobility enhancement equipment shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(55) “Model 1 seller”, a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases;

(56) “Model 2 seller”, a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

(57) “Model 3 seller”, a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;

(58) “Model 4 seller”, a seller that is registered under the agreement and is not a Model 1 Seller, a Model 2 Seller or a Model 3 Seller;

(59) “Motor vehicle leasing company” [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[(7)] (60) “Other direct mail”, any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. Other direct mail includes, but is not limited to:

(a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;

(b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.

Other direct mail shall not include the development of billing information or the provision of any data processing service that is more than incidental;

(61) “Over-the-counter drug”, a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 CFR Section 201.66 and includes:

(a) A drug facts panel; or

(b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(62) “Person” includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state

department, commission, board, bureau or agency, [except the state transportation department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number, **or any other legal entity**;

[(8)] (63) **“Place of primary use”, the street address representative of where the customer’s use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, place of primary use shall be within the licensed service area of the home service provider;**

(64) **“Post-paid calling service”, the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;**

(65) **“Prepaid calling service”, the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;**

(66) **“Prepaid wireless calling service”, a telecommunications service that provides the right to utilize mobile wireless services as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;**

(67) **“Prepared food”, food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. Prepared food shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;**

(68) **“Prescription”, an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;**

(69) **“Prewritten computer software”, computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and**

developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(70) “Private communication service”, a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(71) “Product-based exemption”, an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(72) “Product which is intended to be sold ultimately for final use or consumption”, tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or any other state;

(73) “Prosthetic device”, a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term “prosthetic device” shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(74) “Protective equipment”, items for human wear and designed as protection of the wearer against injury or disease or as protection against damage or injury of other persons or property but not suitable for general use. Protective equipment is mutually exclusive of clothing, clothing accessories or equipment, and sport or recreational equipment;

(75) “Purchase”, the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(76) “Purchase price”, applies to the measure subject to use tax and has the same meaning as sales price;

(77) “Purchaser” [means], a person [who purchases tangible] to whom a sale of personal property is made or to whom [are rendered services, receipts from which are taxable under sections 144.010 to 144.525] a service is furnished;

[(9)] (78) “Qualified light aircraft purchaser”, a purchaser of a light aircraft, light aircraft kit, light aircraft parts or components who is a nonresident of this state, who will transport the light aircraft, light aircraft kit, light aircraft parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state;

(79) “Receive” or “receipt”, taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. Receive and receipt shall not include possession by a shipping company on behalf of the purchaser;

(80) “Registered under the agreement”, registration by a seller with the member states under the central registration system provided in Article IV of the agreement;

(81) “Research or experimentation activities” are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[10] “Sale” or “sales” includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(11) (82) “Sale at retail” [means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property] **or “retail sale”, any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term “sale at retail” shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat,

airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(83) “School art supply”:

(a) An item commonly used by a student in a course of study for artwork. The term is mutually exclusive of the terms school supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Clay and glazes;**
- b. Paints, acrylic, tempora, and oil;**
- c. Paintbrushes for artwork;**
- d. Sketch and drawing pads; and**
- e. Watercolors;**

(84) “School computer supply”:

(a) An item commonly used by a student in a course of study in which a computer is used. The term is mutually exclusive of the terms school supply, school art supply, and school instructional material.

(b) The following is an all-inclusive list:

- a. Computer storage media, diskettes, compact disks;**
- b. Handheld electronic schedulers, except devices that are cellular phones;**
- c. Personal digital assistants, except devices that are cellular phones; and**
- d. Computer printers and printer supplies for computers, printer paper, and printer ink;**

(85) “School instructional material”:

(a) Written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is mutually exclusive of the terms school supply, school art supply, and school computer supply;

(b) The following is an all-inclusive list:

- a. Reference books;**
- b. Reference maps and globes;**
- c. Textbooks; and**
- d. Workbooks;**

(86) “School supply”:

(a) An item commonly used by a student in a course of study. The term is mutually exclusive of the terms school art supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

- a. Binders;**

- b. Book bags;**
- c. Calculators;**
- d. Cellophane tape;**
- e. Blackboard chalk;**
- f. Compasses;**
- g. Composition books;**
- h. Crayons;**
- i. Erasers;**
- j. Folders, expandable, pocket, plastic, and manila;**
- k. Glue, paste, and paste sticks;**
- l. Highlighters;**
- m. Index cards;**
- n. Index card boxes;**
- o. Legal pads;**
- p. Lunch boxes;**
- q. Markers;**
- r. Notebooks;**
- s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;**
- t. Pencil boxes and other school supply boxes;**
- u. Pencil sharpeners;**
- v. Pencils;**
- w. Pens;**
- x. Protractors;**
- y. Rulers;**
- z. Scissors; and**
- aa. Writing tablets;**

[(12)] **(87)** “Seller” means a person [selling or furnishing tangible] **making sales, leases, or rentals of** personal property or [rendering services, on the receipts from which a tax is imposed pursuant to section 144.020] **services;**

(88) “Selling agent”, every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed under this chapter and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(89) “Service address”:

(a) The location of the telecommunications equipment to which a customer’s call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

(b) If the location in paragraph (a) of this subdivision is not known, “service address” means the origination point of the signal of the telecommunications services first identified by either the seller’s telecommunications system or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(c) If the location in paragraphs (a) and (b) of this subdivision are not known, the service address shall be the location of the customer’s place of primary use;

(90) “Specified digital products”, electronically transferred digital audio-visual works, digital audio works, and digital books;

(91) “Sport or recreational equipment”, items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or equipment, and protective equipment;

(92) “State”, any state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(93) “Storage”, any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(94) “Tangible personal property”, personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property shall include electricity, water, gas, steam, and prewritten computer software. Tangible personal property shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

[(13) The noun] (95) “Tax” [means], either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(96) “Taxpayer”, any person remitting the tax or who should remit the tax levied by this chapter;

(97) “Telecommunications nonrecurring charges”, an amount billed for the installation, connection, change or initiation of telecommunications service received by the customer;

[(14)] (98) “Telecommunications service”[, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer’s bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) “Product which is intended to be sold ultimately for final use or consumption” means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.];

(a) The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(b) Telecommunications service shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added;

(c) Telecommunications service shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service;

(d) Telecommunications service shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser’s primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer’s premises;

c. Tangible personal property;

d. Advertising, including but not limited to directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. Section 522(6), as amended, and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

(99) “Transportation equipment”, any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

a. Registered through the International Registration Plan; and

b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(c) Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

(d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) to (c) of this subdivision;

(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco;

(101) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(102) "Use-based exemption", an exemption based on a specified use of the product by the purchaser;

(103) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they shall be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers shall be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term “manufactured homes” shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the “Sales Tax Law”.

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. [For the purposes of this section, the term “food” shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section,] Except for **food sold through** vending [machine sales, the term “food”] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.”; and

Further amend said bill, Page 17, Section 144.021, Line 13, by inserting after all of said line the following:

“144.022. 1. In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:

(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(3) The provisions of this section shall apply unless otherwise provided by federal law.

2. In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software, the following provisions apply:

(1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;

(2) If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal

property;

(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the purchase price under the contract shall be taxable.”; and

Further amend said bill, Pages 17 to 26, Section 144.030, Lines 1 to 300, by deleting all of said section and inserting in lieu thereof the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public

highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total

cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, **all sales of kidney dialysis equipment and enteral feeding systems, all sales of durable medical equipment, prosthetic devices, and mobility enhancing equipment**, and [drugs required by the Food and Drug Administration to meet the] **all sales of** over-the-counter [drug product labeling requirements in 21 CFR 201.66, or its successor,] **drugs** as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser’s purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use [and in any city not within a county,

all sales of metered or unmetered water service for domestic use]:

(a) “Domestic use” means that portion of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service,] **pipd natural or artificial gas, or other fuels delivered by the seller** which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller’s utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller’s utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the [services or property] **electricity, pipd natural or artificial gas, or other fuels delivered by the seller** so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller’s spouse if the seller or the seller’s spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the

purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption

certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) All sales of new light aircraft, light aircraft kits, light aircraft parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, light aircraft parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section;

(44) All sales of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions;

(45) Sales made to any person where payment is being made by a nongovernmental agency as part of a disaster relief service.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other

entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same “controlled group of corporations” as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where receipt of the product by the purchaser occurs is determined in accordance with subsection 2 of this section; and

(b) At the time the order is received, the record keeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

(3) When the sale is sourced under this section to the location where the order is received by the seller, only the sales tax for the location where the order is received by the seller may be levied. No additional sales or use tax based on the location where the product is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and local rate or rates at the location where the product is received by the purchaser is lower than the rate where the order is received by the seller.

(4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such invoice amount is calculated at either the rate applicable to the location where receipt by the purchaser occurs or at the rate applicable to the location where the order is received by the seller. A purchaser may rely on a written representation by the seller as to the location where the order for such sale was received by the seller. When the purchaser does not have a written representation by the seller as to the location where the order for such sale was received by the seller, the purchaser may use a location indicated by a business address for the seller that is available from the business records of the purchaser that are maintained in the ordinary course of the purchaser’s business to determine the rate applicable to the location where the order was received.

(5) The location where the order is received by or on behalf of the seller means the physical location of a seller or third party such as an established outlet, office location or automated order receipt system operated by or on behalf of the seller where an order is initially received by or on behalf of the seller and not where the order may be subsequently accepted, completed or fulfilled. An order is received when all of the information from the purchaser necessary to the determination

whether the order can be accepted has been received by or on behalf of the seller. The location from which a product is shipped shall not be used in determining the location where the order is received by the seller.

(6) When taxable services are sold with tangible personal property or digital products pursuant to a single contract or in the same transaction, are billed on the same billing statement or statements, and, because of the application of this section, would be sourced to different jurisdictions, this subsection shall apply to determine the source for tax.

2. Except as provided in subsection 7 of this section, when the location where the order is received by the seller and the location where the receipt of the product by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs are in different states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

(1) When the product is received by the purchaser at a business location of the seller, the sale shall be sourced to such business location;

(2) When the product is not received by the purchaser at a business location of the seller, the sale shall be sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith;

(5) When none of the previous rules of subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the circumstances in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or computer software delivered electronically was first available for transmission from the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles, trailers, semitrailers, watercraft and aircraft that do not qualify as transportation equipment shall be sourced to the address of the owner thereof.

4. The lease or rental of tangible personal property, other than property identified in subsection 2 or 3 of this section or transactions regulated under sections 407.660 to 407.665, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location

for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 144.010, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of such address does not constitute bad faith. Such location shall not be altered by intermittent use at different locations;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

6. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.

7. (1) The retail sale of a product shall be sourced in accordance with this section. The provisions of this section shall apply regardless of the characterization of a product as tangible personal property, a digital good, or a service. The provisions of this section shall only apply to determine a seller's obligation to pay or collect and remit sales or use tax with respect to the seller's retail sale of a product. The provisions of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(2) This section shall not apply to sales or use taxes levied on the following:

(a) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile homes; and

(b) Telecommunications services and ancillary services.

144.042. 1. (1) A purchaser of advertising and promotional direct mail may provide the seller with either:

(a) A direct pay permit;

(b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state); or

(c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(2) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which the permit, certificate or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due.

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser.

(4) If the purchaser does not provide the seller with any of the items listed in paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which the advertising and promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this subdivision.

(5) Notwithstanding section 144.040, this subsection shall apply to sales of advertising and promotional direct mail.

2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

(2) A purchaser of other direct mail may provide the seller with either:

(a) A direct pay permit; or

(b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state).

(3) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving other direct mail to which the permit, certificate or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

(4) Notwithstanding section 144.040, this subsection shall apply to sales of other direct mail.

3. (1) (a) This section applies to a transaction characterized under state law as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of direct mail.

(b) This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section applies only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall limit any purchaser's:

(a) Obligation for sales or use tax to any state to which the direct mail is delivered;

(b) Right under local, state, federal or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section applies for purposes of uniformly sourcing direct mail transactions and does not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

144.043. 1. [As used in this section, the following terms mean:

(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(2) "Light aircraft kit", factory manufactured parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser for recreational and educational purposes;

(3) "Parts and components", manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

(4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit, parts or components who is nonresident of this state, who will transport the light aircraft, light aircraft kit, parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state.

2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section] **Except for the defined telecommunication services in subsection 3 of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:**

(1) Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction;
or

(2) Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. Except for the defined telecommunication services in subsection 3 of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis is sourced to the customer's place of primary use.

3. The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;

(2) A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either:

(a) The seller's telecommunications system; or

(b) Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 144.040, provided however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.040 shall include as an option the location associated with the mobile telephone number;

(4) A sale of a private communication service is sourced as follows:

(a) Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of internet access service is sourced to the customer's place of primary use.

5. The sale of an ancillary service is sourced to the customer's place of primary use.

144.049. 1. [For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the

exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) “Personal computers”, a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) “School supplies”, any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less.

2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less[.]; all retail sales of school supplies, **school art supplies, and school instructional materials** not to exceed fifty dollars per purchase[.]; all **prewritten** computer software with a taxable value of three hundred fifty dollars or less[.]; and all retail sales of [personal] computers [or computer peripheral devices] **and school computer supplies** not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

[3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision’s local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision’s local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] **2.** This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] **3.** This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7.] **4.** This section may not apply to any retailer when less than two percent of the retailer’s merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.054. 1. As used in this section, the following terms mean:

(1) “Processing”, any mode of treatment, act, or series of acts performed upon materials to transform

or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) “Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761,] **this chapter and from the computation of the tax levied, assessed, or payable under this chapter** electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. [The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.] **This section shall not apply to local sales or use taxes levied on electricity, piped natural or artificial gas, or other fuels delivered by the seller.**

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085] **this chapter and from the computation of the tax levied, assessed, and payable under this chapter**, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085] **this chapter and from the computation of the tax levied, assessed, and payable under this chapter**, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.”; and

Further amend said bill, Page 26, Section 144.069, Line 10, by inserting after all of said line the following:

“144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor

which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. [As used in subsection 1 of this section, the term “purchase price” shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3.] In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

[4.] **3.** The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

[5.] **4.** Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing company. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

[6.] **5.** Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] 6. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

[8.] 7. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.”; and

Further amend said bill, Page 26, Section 144.071, Line 17, by inserting after all of said line the following:

“144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person’s gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 3. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

[5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

144.082. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.

2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after

ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

144.084. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;**
- (2) Provide an alternative method for making "same day" payments if an electronic funds transfer fails;**
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and**
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlined sales and use tax governing board.**

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

144.100. 1. Every person making any taxable sales of property or service, except transactions provided

for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall [show the amount of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return] **state:**

(1) The name and address of the retailer;

(2) The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;

(3) The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;

(4) Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;

(5) Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;

(6) Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;

(7) Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed; and

(8) Such other pertinent information as the director may require.

3. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe.

4. The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state. With each return, the person shall remit to the director of revenue the full amount of the tax due.

[3.] 5. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

[4.] **6.** If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

[5.] **7.** The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

144.104. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), as amended, except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.

2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.

3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

144.123. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this

designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based assignment database records under the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records under this section and meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who

registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section.

144.210. 1. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail shall be upon the person who made the sale, except that with respect to sales, services, or transactions provided for in section 144.070. [The seller shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any exempt sales claimed; provided, however, that before any administrative tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible under the applicable rules of evidence; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.]

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

144.212. 1. In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third-party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided

under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use not available in such state.

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified amounts, which shall be applicable to all taxable transactions] **When the seller is computing the amount of tax owed by the purchaser and remitted to the state:**

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. [In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets established by the director of revenue, at the option of the retail vendor] **Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The provision of this**

subsection may be applied to the aggregated state and local taxes.

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums provided for in this section.

4. [A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.

5.] Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in his gross receipts if the amounts are separately charged or stated.

[6.] **5.** If sales tax for one or more local political subdivisions is owed by a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period specified in section 144.080, the director of revenue shall deposit the tax remitted proportionately to each taxing jurisdiction in accordance with the percentage that each such jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer for such period. The unpaid balance due along with penalties and interest shall be similarly prorated among the state and all local jurisdictions for which tax was due during the filing period for which an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales made on or after January 1, 1984.”; and

Further amend said bill, Page 29, Section 144.525, Line 9, by inserting after all of said line the following:

“144.526. 1. This section shall be known and may be cited as the “Show Me Green Sales Tax Holiday”.

2. [For purposes of this section, the following terms mean:

(1) “Appliance”, clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) “Energy star certified”, any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3.] In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any [energy star certified] new appliance **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]; and

Further amend said bill, Page 34, Section 144.615, Line 21, by inserting after all of said line the following:

“144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly

period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.

7. Any out-of-state seller which is not legally required to register for use tax in this state but

chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.

144.710. [From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal to two percent thereof.] **Sections 144.210 and 144.212, pertaining to the allowance for timely remittance of payment, are applicable to the tax levied by this law.”; and**

Further amend said bill, Pages 44 to 46, Section 184.845, by deleting all of said section and inserting in lieu thereof the following:

“184.845. 1. The board of the district may impose a museum **and cultural** district sales tax by resolution on all retail sales made in such museum **and cultural** district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum **and cultural** district sales tax may be imposed for any museum purpose designated by the board of the museum **and cultural** district. If the resolution is adopted the board of the district may submit the question of whether to impose a sales tax authorized by this section to [either the legal voters of the district and/or to the owners of real property within the district] **the qualified voters** who shall have the same voting interests as with the election of members of the board of the district.

2. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter [following adoption of the tax by the qualified voters] **after the director of revenue receives notification of the adoption of the local sales tax.**

3. In each museum **and cultural** district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the museum **and cultural** district pursuant to this section to the retailer’s sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

4. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the museum **and cultural** district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section [144.825] **144.285.**

5. All revenue received by a museum **and cultural** district from the tax authorized by this section which has been designated for a certain museum **and cultural** purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum **and cultural** purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum **and cultural** district funds.

6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one percent or one

percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the museum **and cultural** district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any museum **and cultural** district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. On and after the effective date of any tax imposed pursuant to this section, the [museum district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the [museum district] **director**.

8. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 [and] to 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section[, except as modified in this section].

9. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

10. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the museum **and cultural** district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

13. All sales taxes collected by the museum **and cultural** district shall be deposited by the museum **and cultural** district in a special fund to be expended for the purposes authorized in this section. The museum **and cultural** district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum **and cultural** district and the Missouri department of revenue. Tax returns filed by businesses within the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.

14. No museum **and cultural** district imposing a sales tax pursuant to this section may repeal or amend

such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects.""; and

Further amend said bill, Page 48, Section 184.865, Line 7, by inserting after all of said line the following:

"21.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after

payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the “Regional Jail District Sales Tax Trust Fund”. The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district

funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more

than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax

imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all

moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] **9.** The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] **10.** The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term “boat” shall only include motorboats and vessels as the terms “motorboat” and “vessel” are defined in section 306.010.

[13.] **12.** In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and

penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] **13.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16.] **14.** In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.”; and

Further amend said bill, Page 93, Section 577.041, Line 138, by inserting after all of said line the following:

“44.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes

cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.

[66.601. The duties of the director of revenue with respect to the allocation, division and distribution of sales and use tax proceeds determined to be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more inhabitants and all municipalities within such county, resulting from taxes levied or imposed under the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the county levying the county sales tax under sections 66.600 to 66.630, at the discretion of the director of revenue and with the consent of the county. Notwithstanding the provisions of section 32.057 to the contrary, if such duties are so assigned, the director of revenue shall furnish the county with sufficient information to perform such duties in such form as may be agreed upon by the director and the county at no cost to the county. The county shall be bound by the provisions of section 32.057, and shall use any information provided by the director of revenue under the provisions of this section solely for the purpose of allocating, dividing and distributing such sales and use tax revenues. The county shall exercise all of the director's powers and duties with respect to such allocation, division and distribution, and shall receive no fee for carrying out such powers and duties.]

[67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the tax imposed pursuant to section 67.1712 all sales of food as defined by section 144.014.]

[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805.]

[144.069. All sales of motor vehicles, trailers, boats and outboard motors shall be deemed to be consummated at the address of the owner thereof, and all leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to sales taxes under this chapter shall be deemed to be consummated unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political

subdivision shall be collected on such sales by the state department of revenue on that basis.]

[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Engages in business activities within this state" includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal

property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) “Sales price”, the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and “sales price” shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) “Selling agent”, every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) “Storage”, any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) “Tangible personal property”, all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) “Taxpayer”, any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) “Use”, the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) “Vendor”, every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a

place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

(1) "Agreement", the streamlined sales and use tax agreement;

(2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;

(3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;

(4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;

(5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;

(6) "Seller", any person making sales, leases or rentals of personal property or services;

(7) "State", any state of the United States and the District of Columbia;

(8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the

committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

(1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;

(2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;

(3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;

(4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;

(5) Affects the sourcing of sales tax transactions; or

(6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

(1) The agreement should address the limitation of the number of state rates over time;

(2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;

(3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;

(4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;

(5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:

- (a) Restricting variances between the state and local tax bases;
- (b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;
- (c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and
- (d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;

(6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;

(7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;

(8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and

(9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]; and

Further amend said bill, Page 94, Section D, Line 3, by inserting after all of said line the following:

“Section E. The provisions of the streamlined sales and use tax agreement act shall become effective January 1, 2015.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 23, Page 8, Section 32.087, Line 191, by inserting after all of said line the following:

“64.196. 1. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later

edition, nationally recognized building code, as amended.

2. No county building ordinance so adopted shall conflict with liquefied petroleum gas installations governed by section 323.020.”;

Further amend said bill, Page 77, Section 302.525, Line 60, by inserting after all of said line the following:

“323.100. **1.** The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked “inaccurate”, and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or his authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee of ten dollars[, except that the testing fee herein provided for shall not be applied more than once in a calendar year to each meter tested]. **On January 1, 2014, the testing fee shall be twenty-five dollars. On January 1, 2015, the testing fee shall be set at fifty dollars. On January 1, 2016, and annually thereafter, the director shall ascertain the total expenses for administering this section and shall set the testing fee at a rate to cover the expenses for the ensuing year but not to exceed seventy-five dollars.**

2. On the first day of October 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current testing fee, the expenses for administering this section for the previous calendar year, any proposed change to the testing fee, and estimated expenses for administering this section during the ensuing year. The proposed change to the testing fee shall not yield revenue greater than the total cost of administering this section during the ensuing year.

3. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the testing fee schedule on the departmental website. The website shall be updated within thirty days of a change in the testing fee schedule set forth in this section.”; and

Further amend said bill, Page 87, Section 348.274, Line 140, by inserting after all of said line the following:

“413.225. **1.** There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into [general revenue for the use of the state of Missouri] **the agriculture protection fund as set forth in section 261.200:**

(1) From August 28, [1994] **2013**, until the next January first, laboratory fees for metrology calibrations shall be at the rate of [twenty-five] **sixty** dollars per hour for tolerance testing [and thirty-five dollars per hour for] **or** precision calibration. Time periods over one hour shall be computed to the nearest **one quarter** hour. On the first day of January, [1995] **2014**, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year at a rate per hour [which shall not exceed sixty dollars per hour for

either method but shall not be less than twenty-five dollars per hour for tolerance testing and thirty-five dollars per hour for precision calibration,] as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year, **but not to exceed one hundred twenty-five dollars;**

(2) [From August 28, 1994, until the next January first,] All [scale] **device** test fees [shall be] charged [as follows] **shall include, but not be limited to, the following devices:**

(a) Small scales [shall be five dollars for each counter scale, ten dollars for platform scales up to one thousand-pound capacity, and twenty dollars for each platform scale over one thousand-pound capacity];

(b) Vehicle scales [shall be fifty dollars each for the initial test and seventy-five dollars for each subsequent test within the same calendar year];

(c) Livestock scales [shall be seventy-five dollars each for the initial test, and one hundred dollars for each subsequent test within the same calendar year];

(d) Hopper scales [with a capacity of one thousand pounds or less shall be ten dollars each; for each hopper scale with a capacity of more than one thousand pounds up to and including two thousand pounds, the fee shall be twenty dollars; for each hopper scale with a capacity of more than two thousand pounds up to and including ten thousand pounds, the fee shall be fifty dollars; and for those hopper scales with a capacity of more than ten thousand pounds, the test fee shall be seventy-five dollars each];

(e) Railroad scales [shall be fifty dollars each];

(f) Monorail scales [shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year];

(g) [Participation in on-site field evaluations of devices for National Type Evaluation Program certification and all tests of] In-motion scales including but not limited to vehicle, railroad and belt conveyor scales [will be charged at the rate of thirty dollars per hour, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs];

[(3) From August 28, 1994, until the next January first, certification of]

(h) Taximeters [shall be five dollars per meter];

(i) Timing devices[, five dollars per device];

(j) Fabric-measuring devices[.];

(k) Wire- and cordage-measuring devices[, five dollars per device];

(l) Milk for quantity determination[, twenty-five dollars per plant inspected]; **and**

[(4) From August 28, 1994, until the next January first, certification of]

(m) Vehicle tank meters [shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year];

(3) Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final

report is signed by the owner/operator and the inspector departs;

[5)] (4) Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee [of ten dollars] for each location so registered and a fee [of five dollars] for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee [of ten dollars] for each location so registered and an additional [five dollars] fee for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee [of ten dollars] shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), **and** (4) [and (5)] of subsection 1 of this section and shall fix the fees or rate per hour for such weighing and measuring devices to derive revenue not more than the total cost of the operation[, but such fees shall not be fixed in amounts less than the amounts contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this section].

3. [Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and subdivisions (4) and (5) of subsection 1,] **On the first day of October 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current laboratory fees for metrology calibration, the expenses for administering this section for the previous calendar year, any proposed change to the laboratory fee structure, and estimated expenses for administering this section during the ensuing year. The proposed change to the laboratory fee structure shall not yield revenue greater than the total cost of administering this section during the ensuing year.**

4. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the laboratory fee schedule on the departmental website. The website shall be updated within thirty days of a change in the laboratory fee schedule set forth in this section.

5. Retests for any device within the same calendar year will be charged at the same rate as the initial test. Devices being retested in the same calendar year as a result of rejection and repair are exempt from the requirements of this subsection.

[4.] 6. All device inspection fees shall be paid within thirty days of the issuance of the original invoice. Any fee not paid within ninety days after the date of the original invoice will be cause for the director to deem the device as incorrect and it may be condemned and taken out of service, and may be seized by the director until all fees are paid.

[5.] 7. No fee provided for by this section shall be required of any person owning or operating a moisture-measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by inserting after all of said section the following:

“137.090. **1.** All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.”; and

Further amend said bill, Page 10, Section 92.387, Line 2, by inserting after all of said section the following:

“137.095. **1.** The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term “based” means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Bill No. 23, Page 10, Section 92.387, Line 2, by

inserting after all of said section the following:

“137.720. 1. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. Prior to July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. Effective July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-half of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred twenty-five thousand dollars in any year for any county of the first classification and any county with a charter form of government and seventy-five thousand dollars in any year for any county of the second, third, or fourth classification.

4. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund; provided, however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, the county governing body, and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

5. For all years beginning on or after January 1, 2010, any property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission notifies the county that state assessment reimbursement funds have been withheld from the county for three consecutive quarters due to noncompliance by the assessor or county commission

with the county's assessment maintenance plan.

[6. The provisions of subsections 2, 3, and 5 of this section shall expire on December 31, 2015.]; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Bill No. 23, Section 144.810, Page 40, Line 242, by inserting after all of said line the following:

“160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, “need to know” is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase “act of school violence” or “violent behavior” means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030;
- (6) Forcible sodomy under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;

- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) Sexual assault under section 566.040;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) Deviate sexual assault pursuant to section 566.070;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse pursuant to section 566.100;
- (24) Harassment under section 565.090; [or]
- (25) Stalking under section 565.225; **or**
- (26) Making a terrorist threat under section 574.115;**

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing

in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. “Acts of violence” as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district’s discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education’s written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children’s division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children’s division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children’s division within twenty-four hours of receiving the information. Reports made to the children’s division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children’s division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children’s division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children’s division and take no further action. In all matters referred back to the children’s division, the division shall treat the report in the same

manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with

the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Bill No. 23, Section 67.2050, Page 10, Line 73, by inserting after all of said Line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and ~~the~~ Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning

the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term “common-interest community” shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A “common-interest community” shall be defined as real property with respect to which a person, by virtue of such person’s ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. “Ownership of a unit” does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A “cooperative” shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member’s ownership interest in the association to exclusive possession of a unit;

(c) A “planned community” shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city’s, town’s or village’s limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.014. **1.** Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse

collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of

intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the

procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of the adoption of the annexation ordinance.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 197**, entitled:

An Act to repeal sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, and to enact in lieu thereof twelve new sections relating to tuberculosis testing, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 197, Page 1, Line 4 in the Title, by deleting the phrase “tuberculosis testing” and inserting in lieu thereof the phrase “disease management”; and

Further amend said bill and page, Section A, Line 5, by inserting after all of said section and line the following:

“167.638. 1. The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that an immunization against meningococcal disease is available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the brochure. Each public institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

(1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;

(2) How meningococcal disease is transmitted;

(3) The latest scientific information on meningococcal disease immunization and its effectiveness; and

(4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individuals's health care provider.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 106**, entitled:

An Act to amend chapters 173, 192, and 324, RSMo, by adding thereto three new sections relating to current and former military personnel.

With House Amendment Nos. 1, 2, and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 106, Page 3, Section 324.007, Line 23, by inserting immediately after said line the following:

“452.413. 1. As used in this section, the following terms shall mean:

(1) “Deploying parent”, a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(2) “Deployment”, military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;

(3) “Military parent”, a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) “Nondeploying parent”, a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall

not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent's address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such

rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent

promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 106, Page 3, Section 324.007, Line 23, by inserting after all of said line the following:

“478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the “Veterans Treatment Intervention Act”.

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) “Servicemember”, any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States

Reserve Forces;

(2) “Veteran”, any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a “Military Veterans and Servicemembers Court Program” under which veterans and servicemembers who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court’s assessment of the defendant’s criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant’s agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans’ treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court’s own motion, except:

(1) If a defendant was previously offered admission to a veterans’ treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the defendant’s admission to such a program;

(2) If a defendant previously entered a court-ordered veterans’ treatment program, the court may deny the defendant’s admission into the veterans’ treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver’s license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state’s failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans’ treatment intervention program under sections 478.1100 to 478.1120:

- (1) Murder or manslaughter under chapter 565;
- (2) Kidnapping or false imprisonment under chapter 565;
- (3) Aggravated assault under chapter 565;
- (4) Stalking under chapter 565;
- (5) Elder abuse under chapter 565;
- (6) Sexual offenses under chapter 566;
- (7) Offenses against the family under chapter 568;

- (8) Robbery or burglary under chapter 569;**
- (9) Arson under chapter 569;**
- (10) Water contamination under chapter 569;**
- (11) Child pornography under chapter 573;**
- (12) Treason; and**

(13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

(2) The treatment program shall include:

- (a) Integrate alcohol and other drug treatment services with justice system case processing;**
- (b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;**
- (c) Eligible participants are identified early and promptly placed in the treatment program;**
- (d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;**
- (e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;**
- (f) A coordinated strategy governs treatment program responses to participants' compliance;**
- (g) Ongoing judicial interaction with each treatment program participant is essential;**
- (h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;**
- (i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;**
- (j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.**

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the

pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

(1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;

(2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;

- (3) Staffing levels;**
- (4) The number of face-to-face contacts with the offender;**
- (5) Procedures for handling the collection of all offender fees and restitution;**
- (6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;**
- (7) Circumstances under which revocation of an offender's probation may be recommended;**
- (8) Reporting and record-keeping requirements;**
- (9) Default and contract termination procedures;**
- (10) Procedures that aid offenders with job assistance; and**
- (11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.**

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 106, Page 1, Section A, Line 3, by inserting after said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current

certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

a. Has ten years of teaching experience as defined by the state board of education;

b. Possesses a master's degree; or

c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

(1) Is the spouse of a member of the Armed Forces stationed in Missouri;

(2) Relocated from another state within one year of the date of application;

(3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and

(4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 106, Page 2 Line 1 by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said page, Line 20, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said page, Line 39, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said amendment, Page 3, Line 36, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said amendment, Page 4, Line 4, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said amendment, Page 7, Line 19, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said page, Line 39, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said amendment, Page 8, Line 11, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said page, Line 19, by inserting after the word “**military**”; the words “**or such organizer resides in a third or fourth class county**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 106, Page 3, Section 324.007, Line 23, by inserting after all of said section the following:

“347.179. 1. The secretary shall charge and collect:

- (1) For filing the original articles of organization, a fee of one hundred dollars;
- (2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of forty-five dollars;
- (3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;
- (4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars;
- (5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars;

- (6) For filing notice of merger or consolidation, a fee of twenty dollars;
- (7) For filing a notice of winding up, a fee of twenty dollars;
- (8) For issuing a certificate of good standing, a fee of five dollars;
- (9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;
- (10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;
- (11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;
- (12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;
- (13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;
- (14) For filing an amended certificate of registration a fee of twenty dollars; and
- (15) For filing a statement of correction a fee of five dollars.

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application of a reservation of a name in subdivision (11) of subsection 1 of this section shall be waived when an organizer is listed as a member in the operating agreement of the limited liability company and such organizer is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

351.065. 1. No corporation shall be organized under the general and business corporation law of Missouri unless the persons named as incorporators shall at or before the filing of the articles of incorporation pay to the director of revenue three dollars for the issuance of the certificate and fifty dollars for the first thirty thousand dollars or less of the authorized shares of the corporation and a further sum of five dollars for each additional ten thousand dollars of its authorized shares, and no increase in the authorized shares of the corporation shall be valid or effectual unless the corporation has paid the director of revenue five dollars for each ten thousand dollars or less of the increase in the authorized shares of the corporation, and the corporation shall file a duplicate receipt issued by the director of revenue for the payments required by this section to be made with the secretary of state as is provided by this chapter for the filing of articles of incorporation; except that the requirements of this section to pay incorporation taxes and fees shall not apply to foreign railroad corporations which built their lines of railway into or through this state prior to November 21, 1943.

2. For the purpose of this section, the dollar amount of authorized shares is the par value thereof in the case of shares with par value and is one dollar per share in the case of shares without par value.

3. Fees mandated in subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

354.150. 1. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay the following fees to the director for the administration and enforcement of the provisions of this

chapter:

(1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

355.021. 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

(1) Articles of incorporation, twenty dollars;

(2) Application for reserved name, twenty dollars;

(3) Notice of transfer of reserved name, two dollars;

(4) Application for renewal of reserved name, twenty dollars;

(5) Corporation's statement of change of registered agent or registered office or both, five dollars;

(6) Agent's statement of change of registered office for each affected corporation, five dollars;

(7) Agent's statement of resignation, five dollars;

(8) Amendment of articles of incorporation, five dollars;

(9) Restatement of articles of incorporation with amendments, five dollars;

(10) Articles of merger, five dollars;

(11) Articles of dissolution, five dollars;

(12) Articles of revocation of dissolution, five dollars;

(13) Application for reinstatement following administrative dissolution, twenty dollars;

(14) Application for certificate of authority, twenty dollars;

(15) Application for amended certificate of authority, five dollars;

(16) Application for certificate of withdrawal, five dollars;

(17) Corporate registration report filed annually, ten dollars if filed in a written format or five dollars if filed electronically in a format prescribed by the secretary of state;

(18) Corporate registration report filed biennially, twenty dollars if filed in a written format or ten dollars if filed electronically in a format prescribed by the secretary of state;

(19) Articles of correction, five dollars;

(20) Certificate of existence or authorization, five dollars;

(21) Any other document required or permitted to be filed by this chapter, five dollars.

2. The secretary of state shall collect a fee of ten dollars upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation: in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies.

4. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section shall be waived when an initial officer or director of the nonprofit corporation includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

357.060. 1. For incorporation under this chapter as herein provided, there shall be paid to and collected by the state director of revenue a fee of fifty dollars for the first fifty thousand dollars or less of capital stock, and the further sum of five dollars for each additional ten thousand dollars of its capital stock. The limitation upon the aggregate amount of capital stock shall be the same as in respect to other corporations.

2. Fees mandated in subsection 1 of this section shall be waived when the association of persons signing the written articles of association and agreement includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

358.440. 1. To register as a limited liability partnership pursuant to this section, a written application shall be filed with the office of the secretary of state. The application shall set forth:

(1) The name of the partnership;

(2) The address of a registered office and the name and address of a registered agent for service of process required to be maintained by section 358.470;

(3) The number of partners in the partnership at the date of application;

(4) A brief statement of the principal business in which the partnership engages;

(5) That the partnership thereby applies for registration as a registered limited liability partnership; and

(6) Any other information the partnership determines to include in the application.

2. The application shall be signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority in interest of the partners to sign the application on behalf of the partnership.

3. The application shall be accompanied by a fee payable to the secretary of state of twenty-five dollars for each partner of the partnership, but the fee shall not exceed one hundred dollars. All moneys from the payment of this fee shall be deposited into the general revenue fund.

4. A person who files a document according to this section as an agent or fiduciary need not exhibit evidence of the partner's authority as a prerequisite to filing. Any signature on such document may be a facsimile. If the secretary of state finds that the filing conforms to law, the secretary of state shall:

(1) Endorse on the copy the word "Filed" and the month, day and year of the filing;

(2) File the original in the secretary of state's office; and

(3) Return the copy to the person who filed it or to the person's representative.

5. A partnership becomes a registered limited liability partnership on the date of the filing in the office of the secretary of state of an application that, as to form, meets the requirements of subsections 1 and 2 of this section and that is accompanied by the fee specified in subsection 3 of this section, or at any later time specified in the application.

6. An initial application filed under subsection 1 of this section by a partnership registered by the secretary of state as a limited liability partnership expires one year after the date of registration unless earlier withdrawn or revoked or unless renewed in accordance with subsection 9 of this section.

7. If a person is included in the number of partners of a registered limited liability partnership set forth in an application, a renewal application or a certificate of amendment of an application or a renewal application, the inclusion of such person shall not be admissible as evidence in any action, suit or proceeding, whether civil, criminal, administrative or investigative, for the purpose of determining whether such person is liable as a partner of such registered limited liability partnership. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected if the number of partners stated in an application, a renewal application or a certificate of amendment of an application or a renewal application is erroneously stated provided that the application, renewal application or certificate of amendment of an application or a renewal application was filed in good faith.

8. Any person who files an application or a renewal application in the office of the secretary of state pursuant to this section shall not be required to file any other documents pursuant to chapter 417 which requires filing for fictitious names.

9. An effective registration may be renewed before its expiration by filing in duplicate with the secretary of state an application containing current information of the kind required in an initial application, including the registration number as assigned by the secretary of state. The renewal application shall be accompanied by a fee of one hundred dollars on the date of renewal plus, if the renewal increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars. All moneys from such fees shall be deposited into the general revenue fund. A renewal application filed under this section continues an effective registration for one year after the date the effective registration would otherwise expire.

10. A registration may be withdrawn by filing with the secretary of state a written withdrawal notice signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority of the partners to sign the notice on behalf of the partnership. A withdrawal notice shall include

the name of the partnership, the date of registration of the partnership's last application under this section, and a current street address of the partnership's principal office in this state or outside the state, as applicable. A withdrawal notice terminates the registration of the partnership as a limited liability partnership as of the date of filing the notice in the office of the secretary of state. The withdrawal notice shall be accompanied by a filing fee of twenty dollars.

11. If a partnership that has registered pursuant to this section ceases to be registered as provided in subsection 6 or 10 of this section, that fact shall not affect the status of the partnership as a registered limited liability partnership prior to the date the partnership ceased to be registered pursuant to this section.

12. A document filed under this section may be amended or corrected by filing with the secretary of state articles of amendment, signed by a majority of the partners or by one or more partners authorized by a majority of the partners. The articles of amendment shall contain:

- (1) The name of the partnership;
- (2) The identity of the document being amended;
- (3) The part of the document being amended; and
- (4) The amendment or correction.

The articles of amendment shall be accompanied by a filing fee of twenty dollars plus, if the amendment increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars; provided that no amendment of an application or a renewal application is required as a result of a change after the application or renewal application is filed in the number of partners of the registered limited liability partnership or in the business in which the registered limited liability partnership engages. All moneys from such fees shall be deposited into the general revenue fund. The status of a partnership as a registered limited liability partnership shall not be affected by changes after the filing of an application or a renewal application in the information stated in the application or renewal application.

13. No later than ninety days after the happening of any of the following events, an amendment to an application or a renewal application reflecting the occurrence of the event or events shall be executed and filed by a majority in interest of the partners or by one or more partners authorized by a majority of the partners to execute an amendment to the application or renewal application:

- (1) A change in the name of the registered limited liability partnership;

(2) Except as provided in subsections 2 and 3 of section 358.470, a change in the address of the registered office or a change in the name or address of the registered agent of the registered limited liability partnership.

14. Unless otherwise provided in this chapter or in the certificate of amendment of an application or a renewal application, a certificate of amendment of an application or a renewal application or a withdrawal notice of an application or a renewal application shall be effective at the time of its filing with the secretary of state.

15. The secretary of state may provide forms for the application specified in subsection 1 of this section, the renewal application specified in subsection 9 of this section, the withdrawal notice specified in subsection 10 of this section, and the amendment or correction specified in subsection 12 of this section.

16. The secretary of state may remove from its active records the registration of a partnership whose

registration has been withdrawn, revoked or has expired.

17. The secretary of state may revoke the filing of a document filed under this section if the secretary of state determines that the filing fee for the document was paid by an instrument that was dishonored when presented by the state for payment. The secretary of state shall return the document and give notice of revocation to the filing party by regular mail. Failure to give or receive notice does not invalidate the revocation. A revocation of a filing does not affect an earlier filing.

18. If any person signs a document required or permitted to be filed pursuant to sections 358.440 to 358.500 which the person knows is false in any material respect with the intent that the document be delivered on behalf of a partnership to the secretary of state for filing, such person shall be guilty of a class A misdemeanor. Unintentional errors in the information set forth in an application filed pursuant to subsection 1 of this section, or changes in the information after the filing of the application, shall not affect the status of a partnership as a registered limited liability partnership.

19. Before transacting business in this state, a foreign registered limited liability partnership shall:

(1) Comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership is engaged; and

(2) Register as a limited liability partnership as provided in this section by filing an application which shall, in addition to the other matters required to be set forth in such application, include a statement:

(a) That the secretary is irrevocably appointed the agent of the foreign limited liability partnership for service of process if the limited liability partnership fails to maintain a registered agent in this state or if the agent cannot be found or served with the exercise of reasonable diligence; and

(b) Of the address of the office required to be maintained in the jurisdiction of its organization by the laws of that jurisdiction or, if not so required, of the principal office of the foreign limited liability partnership.

20. A partnership that registers as a limited liability partnership shall not be deemed to have dissolved as a result thereof and is for all purposes the same partnership that existed before the registration and continues to be a partnership under the laws of this state. If a registered limited liability partnership dissolves, a partnership which is a successor to such registered limited liability partnership and which intends to be a registered limited liability partnership shall not be required to file a new registration and shall be deemed to have filed any documents required or permitted under this chapter which were filed by the predecessor partnership.

21. Fees mandated in subsection 3 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

359.651. 1. The secretary of state shall charge the fee specified for filing the following:

(1) Certificates of limited partnership: One hundred dollars;

(2) Applications for registration of foreign limited partnerships and issuance of a certificate of registration to transact business in this state:

One hundred dollars;

(3) Amendments to and restatements of certificates of limited partnerships or to applications for

registration of foreign limited partnerships or any other filing not otherwise provided for: Twenty dollars;

(4) Cancellations of certificates of limited partnerships or of registration of foreign limited partnerships: Twenty dollars;

(5) A consent required to be filed under this chapter: Twenty dollars;

(6) A change of address of registered agent, or change of registered agent, or both: Five dollars;

(7) A partner list: One dollar each page;

(8) Reservation of name: Twenty dollars;

(9) Rescission fee: One hundred dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

394.250. 1. There shall be charged and collected for:

(1) Filing articles of incorporation, ten dollars;

(2) Filing articles of amendment, one dollar;

(3) Filing articles of consolidation or merger, ten dollars;

(4) Filing articles of conversion, ten dollars;

(5) Filing certificate of election to dissolve, one dollar;

(6) Filing articles of dissolution, two dollars; and

(7) Filing certificate of change of principal office, two dollars.

2. All fees shall be made payable to and collected by the state director of revenue.

3. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when an initial member of the cooperative includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

417.220. **1.** For the registration or renewal of each fictitious name under sections 417.200 to 417.230 there shall be paid to the state director of revenue a fee of two dollars if filed electronically in a format prescribed by the secretary of state or if filed in a written format prescribed by the secretary of state.

2. Fees mandated in subsection 1 of this section shall be waived when a party owning any interest or part in the business is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.”;
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 106, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“8.012. At all state buildings and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.**”; and

Further amend said bill, Page 2, Section 192.360, Line 27, by inserting after all of said section and line the following:

“253.048. Within the state parks, the department may accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 28**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 117**, entitled:

An Act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

With House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 253.048, Line 6, by inserting immediately after said line the following:

“452.413. 1. As used in this section, the following terms shall mean:

(1) **“Deploying parent”, a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;**

(2) **“Deployment”, military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other**

reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;

(3) “Military parent”, a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) “Nondeploying parent”, a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent’s address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place

at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears

that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.

“; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 253.048, Line 6, by inserting after all of said line the following:

“478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the “Veterans Treatment Intervention Act”.

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) “Servicemember”, any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) “Veteran”, any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a “Military Veterans and Servicemembers Court Program” under which veterans and servicemembers who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court’s assessment of the defendant’s criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant’s agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans’ treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court’s own motion, except:

(1) If a defendant was previously offered admission to a veterans’ treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the defendant’s admission to such a program;

(2) If a defendant previously entered a court-ordered veterans’ treatment program, the court may deny the defendant’s admission into the veterans’ treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver’s license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state’s failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans' treatment intervention program under sections 478.1100 to 478.1120:

- (1) Murder or manslaughter under chapter 565;**
- (2) Kidnapping or false imprisonment under chapter 565;**
- (3) Aggravated assault under chapter 565;**
- (4) Stalking under chapter 565;**
- (5) Elder abuse under chapter 565;**
- (6) Sexual offenses under chapter 566;**
- (7) Offenses against the family under chapter 568;**
- (8) Robbery or burglary under chapter 569;**
- (9) Arson under chapter 569;**
- (10) Water contamination under chapter 569;**
- (11) Child pornography under chapter 573;**
- (12) Treason; and**

(13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

(2) The treatment program shall include:

- (a) Integrate alcohol and other drug treatment services with justice system case processing;**
- (b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;**
- (c) Eligible participants are identified early and promptly placed in the treatment program;**
- (d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;**

- (e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;
- (f) A coordinated strategy governs treatment program responses to participants' compliance;
- (g) Ongoing judicial interaction with each treatment program participant is essential;
- (h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;
- (i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;
- (j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team

under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

- (1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;
- (2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;
- (3) Staffing levels;
- (4) The number of face-to-face contacts with the offender;
- (5) Procedures for handling the collection of all offender fees and restitution;
- (6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
- (7) Circumstances under which revocation of an offender's probation may be recommended;
- (8) Reporting and record-keeping requirements;
- (9) Default and contract termination procedures;
- (10) Procedures that aid offenders with job assistance; and
- (11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for

Senate Bill No. 117 Page 1, Line 4, by inserting immediately after the word **“guard”** the following:

“or reserve component of the United States Armed Forces”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 253.048, Line 6, by inserting after of said section and line the following:

“Section 1. 1. This section shall be known as “Clark’s Law.”

2. No public institution of higher education shall require a member of the national guard to take any test or assessment within twenty-four hours of such member returning from active duty or national guard training.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2, Line 2, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said page, Line 21, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said page, Line 40, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said amendment, Page 3, Line 37, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said amendment, Page 4, Line 5, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said amendment, Page 7, Line 20, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said page, Line 40, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said amendment, Page 8, Line 12, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said page, Line 20, by inserting after the word **“military”**; the words **“or such organizer resides in a third or fourth class county”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, Page 2,

Section 253.048, Line 6, by inserting after all of said section and line the following:

“347.179. **1.** The secretary shall charge and collect:

- (1) For filing the original articles of organization, a fee of one hundred dollars;
- (2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of forty-five dollars;
- (3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;
- (4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars;
- (5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars;
- (6) For filing notice of merger or consolidation, a fee of twenty dollars;
- (7) For filing a notice of winding up, a fee of twenty dollars;
- (8) For issuing a certificate of good standing, a fee of five dollars;
- (9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;
- (10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;
- (11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;
- (12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;
- (13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;
- (14) For filing an amended certificate of registration a fee of twenty dollars; and
- (15) For filing a statement of correction a fee of five dollars.

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application of a reservation of a name in subdivision (11) of subsection 1 of this section shall be waived when an organizer is listed as a member in the operating agreement of the limited liability company and such organizer is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

351.065. 1. No corporation shall be organized under the general and business corporation law of Missouri unless the persons named as incorporators shall at or before the filing of the articles of incorporation pay to the director of revenue three dollars for the issuance of the certificate and fifty dollars for the first thirty thousand dollars or less of the authorized shares of the corporation and a further sum of five dollars for each additional ten thousand dollars of its authorized shares, and no increase in the authorized shares of the corporation shall be valid or effectual unless the corporation has paid the director

of revenue five dollars for each ten thousand dollars or less of the increase in the authorized shares of the corporation, and the corporation shall file a duplicate receipt issued by the director of revenue for the payments required by this section to be made with the secretary of state as is provided by this chapter for the filing of articles of incorporation; except that the requirements of this section to pay incorporation taxes and fees shall not apply to foreign railroad corporations which built their lines of railway into or through this state prior to November 21, 1943.

2. For the purpose of this section, the dollar amount of authorized shares is the par value thereof in the case of shares with par value and is one dollar per share in the case of shares without par value.

3. Fees mandated in subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

354.150. 1. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay the following fees to the director for the administration and enforcement of the provisions of this chapter:

(1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

355.021. 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

(1) Articles of incorporation, twenty dollars;

(2) Application for reserved name, twenty dollars;

(3) Notice of transfer of reserved name, two dollars;

(4) Application for renewal of reserved name, twenty dollars;

(5) Corporation's statement of change of registered agent or registered office or both, five dollars;

- (6) Agent's statement of change of registered office for each affected corporation, five dollars;
- (7) Agent's statement of resignation, five dollars;
- (8) Amendment of articles of incorporation, five dollars;
- (9) Restatement of articles of incorporation with amendments, five dollars;
- (10) Articles of merger, five dollars;
- (11) Articles of dissolution, five dollars;
- (12) Articles of revocation of dissolution, five dollars;
- (13) Application for reinstatement following administrative dissolution, twenty dollars;
- (14) Application for certificate of authority, twenty dollars;
- (15) Application for amended certificate of authority, five dollars;
- (16) Application for certificate of withdrawal, five dollars;
- (17) Corporate registration report filed annually, ten dollars if filed in a written format or five dollars if filed electronically in a format prescribed by the secretary of state;
- (18) Corporate registration report filed biennially, twenty dollars if filed in a written format or ten dollars if filed electronically in a format prescribed by the secretary of state;
- (19) Articles of correction, five dollars;
- (20) Certificate of existence or authorization, five dollars;
- (21) Any other document required or permitted to be filed by this chapter, five dollars.

2. The secretary of state shall collect a fee of ten dollars upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation: in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies.

4. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section shall be waived when an initial officer or director of the nonprofit corporation includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

357.060. 1. For incorporation under this chapter as herein provided, there shall be paid to and collected by the state director of revenue a fee of fifty dollars for the first fifty thousand dollars or less of capital stock, and the further sum of five dollars for each additional ten thousand dollars of its capital stock. The limitation upon the aggregate amount of capital stock shall be the same as in respect to other corporations.

2. Fees mandated in subsection 1 of this section shall be waived when the association of persons signing the written articles of association and agreement includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

358.440. 1. To register as a limited liability partnership pursuant to this section, a written application shall be filed with the office of the secretary of state. The application shall set forth:

- (1) The name of the partnership;
- (2) The address of a registered office and the name and address of a registered agent for service of process required to be maintained by section 358.470;
- (3) The number of partners in the partnership at the date of application;
- (4) A brief statement of the principal business in which the partnership engages;
- (5) That the partnership thereby applies for registration as a registered limited liability partnership; and
- (6) Any other information the partnership determines to include in the application.

2. The application shall be signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority in interest of the partners to sign the application on behalf of the partnership.

3. The application shall be accompanied by a fee payable to the secretary of state of twenty-five dollars for each partner of the partnership, but the fee shall not exceed one hundred dollars. All moneys from the payment of this fee shall be deposited into the general revenue fund.

4. A person who files a document according to this section as an agent or fiduciary need not exhibit evidence of the partner's authority as a prerequisite to filing. Any signature on such document may be a facsimile. If the secretary of state finds that the filing conforms to law, the secretary of state shall:

- (1) Endorse on the copy the word "Filed" and the month, day and year of the filing;
- (2) File the original in the secretary of state's office; and
- (3) Return the copy to the person who filed it or to the person's representative.

5. A partnership becomes a registered limited liability partnership on the date of the filing in the office of the secretary of state of an application that, as to form, meets the requirements of subsections 1 and 2 of this section and that is accompanied by the fee specified in subsection 3 of this section, or at any later time specified in the application.

6. An initial application filed under subsection 1 of this section by a partnership registered by the secretary of state as a limited liability partnership expires one year after the date of registration unless earlier withdrawn or revoked or unless renewed in accordance with subsection 9 of this section.

7. If a person is included in the number of partners of a registered limited liability partnership set forth in an application, a renewal application or a certificate of amendment of an application or a renewal application, the inclusion of such person shall not be admissible as evidence in any action, suit or proceeding, whether civil, criminal, administrative or investigative, for the purpose of determining whether such person is liable as a partner of such registered limited liability partnership. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected if the number of partners stated in an application, a renewal application or a certificate of amendment of an application or a renewal application is erroneously stated provided that the application, renewal application or certificate of amendment of an application or a renewal application was filed in good faith.

8. Any person who files an application or a renewal application in the office of the secretary of state pursuant to this section shall not be required to file any other documents pursuant to chapter 417 which requires filing for fictitious names.

9. An effective registration may be renewed before its expiration by filing in duplicate with the secretary of state an application containing current information of the kind required in an initial application, including the registration number as assigned by the secretary of state. The renewal application shall be accompanied by a fee of one hundred dollars on the date of renewal plus, if the renewal increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars. All moneys from such fees shall be deposited into the general revenue fund. A renewal application filed under this section continues an effective registration for one year after the date the effective registration would otherwise expire.

10. A registration may be withdrawn by filing with the secretary of state a written withdrawal notice signed on behalf of the partnership by a majority of the partners or by one or more partners authorized by a majority of the partners to sign the notice on behalf of the partnership. A withdrawal notice shall include the name of the partnership, the date of registration of the partnership's last application under this section, and a current street address of the partnership's principal office in this state or outside the state, as applicable. A withdrawal notice terminates the registration of the partnership as a limited liability partnership as of the date of filing the notice in the office of the secretary of state. The withdrawal notice shall be accompanied by a filing fee of twenty dollars.

11. If a partnership that has registered pursuant to this section ceases to be registered as provided in subsection 6 or 10 of this section, that fact shall not affect the status of the partnership as a registered limited liability partnership prior to the date the partnership ceased to be registered pursuant to this section.

12. A document filed under this section may be amended or corrected by filing with the secretary of state articles of amendment, signed by a majority of the partners or by one or more partners authorized by a majority of the partners. The articles of amendment shall contain:

- (1) The name of the partnership;
- (2) The identity of the document being amended;
- (3) The part of the document being amended; and
- (4) The amendment or correction.

The articles of amendment shall be accompanied by a filing fee of twenty dollars plus, if the amendment increases the number of partners, fifty dollars for each partner added, but the fee shall not exceed two hundred dollars; provided that no amendment of an application or a renewal application is required as a result of a change after the application or renewal application is filed in the number of partners of the registered limited liability partnership or in the business in which the registered limited liability partnership engages. All moneys from such fees shall be deposited into the general revenue fund. The status of a partnership as a registered limited liability partnership shall not be affected by changes after the filing of an application or a renewal application in the information stated in the application or renewal application.

13. No later than ninety days after the happening of any of the following events, an amendment to an application or a renewal application reflecting the occurrence of the event or events shall be executed and filed by a majority in interest of the partners or by one or more partners authorized by a majority of the

partners to execute an amendment to the application or renewal application:

(1) A change in the name of the registered limited liability partnership;

(2) Except as provided in subsections 2 and 3 of section 358.470, a change in the address of the registered office or a change in the name or address of the registered agent of the registered limited liability partnership.

14. Unless otherwise provided in this chapter or in the certificate of amendment of an application or a renewal application, a certificate of amendment of an application or a renewal application or a withdrawal notice of an application or a renewal application shall be effective at the time of its filing with the secretary of state.

15. The secretary of state may provide forms for the application specified in subsection 1 of this section, the renewal application specified in subsection 9 of this section, the withdrawal notice specified in subsection 10 of this section, and the amendment or correction specified in subsection 12 of this section.

16. The secretary of state may remove from its active records the registration of a partnership whose registration has been withdrawn, revoked or has expired.

17. The secretary of state may revoke the filing of a document filed under this section if the secretary of state determines that the filing fee for the document was paid by an instrument that was dishonored when presented by the state for payment. The secretary of state shall return the document and give notice of revocation to the filing party by regular mail. Failure to give or receive notice does not invalidate the revocation. A revocation of a filing does not affect an earlier filing.

18. If any person signs a document required or permitted to be filed pursuant to sections 358.440 to 358.500 which the person knows is false in any material respect with the intent that the document be delivered on behalf of a partnership to the secretary of state for filing, such person shall be guilty of a class A misdemeanor. Unintentional errors in the information set forth in an application filed pursuant to subsection 1 of this section, or changes in the information after the filing of the application, shall not affect the status of a partnership as a registered limited liability partnership.

19. Before transacting business in this state, a foreign registered limited liability partnership shall:

(1) Comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership is engaged; and

(2) Register as a limited liability partnership as provided in this section by filing an application which shall, in addition to the other matters required to be set forth in such application, include a statement:

(a) That the secretary is irrevocably appointed the agent of the foreign limited liability partnership for service of process if the limited liability partnership fails to maintain a registered agent in this state or if the agent cannot be found or served with the exercise of reasonable diligence; and

(b) Of the address of the office required to be maintained in the jurisdiction of its organization by the laws of that jurisdiction or, if not so required, of the principal office of the foreign limited liability partnership.

20. A partnership that registers as a limited liability partnership shall not be deemed to have dissolved as a result thereof and is for all purposes the same partnership that existed before the registration and continues to be a partnership under the laws of this state. If a registered limited liability partnership

dissolves, a partnership which is a successor to such registered limited liability partnership and which intends to be a registered limited liability partnership shall not be required to file a new registration and shall be deemed to have filed any documents required or permitted under this chapter which were filed by the predecessor partnership.

21. Fees mandated in subsection 3 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

359.651. 1. The secretary of state shall charge the fee specified for filing the following:

(1) Certificates of limited partnership: One hundred dollars;

(2) Applications for registration of foreign limited partnerships and issuance of a certificate of registration to transact business in this state:

One hundred dollars;

(3) Amendments to and restatements of certificates of limited partnerships or to applications for registration of foreign limited partnerships or any other filing not otherwise provided for: Twenty dollars;

(4) Cancellations of certificates of limited partnerships or of registration of foreign limited partnerships: Twenty dollars;

(5) A consent required to be filed under this chapter: Twenty dollars;

(6) A change of address of registered agent, or change of registered agent, or both: Five dollars;

(7) A partner list: One dollar each page;

(8) Reservation of name: Twenty dollars;

(9) Rescission fee: One hundred dollars.

2. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when a general partner of the partnership is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

394.250. 1. There shall be charged and collected for:

(1) Filing articles of incorporation, ten dollars;

(2) Filing articles of amendment, one dollar;

(3) Filing articles of consolidation or merger, ten dollars;

(4) Filing articles of conversion, ten dollars;

(5) Filing certificate of election to dissolve, one dollar;

(6) Filing articles of dissolution, two dollars; and

(7) Filing certificate of change of principal office, two dollars.

2. All fees shall be made payable to and collected by the state director of revenue.

3. Fees mandated in subdivision (1) of subsection 1 of this section shall be waived when an initial

member of the cooperative includes a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.

417.220. **1.** For the registration or renewal of each fictitious name under sections 417.200 to 417.230 there shall be paid to the state director of revenue a fee of two dollars if filed electronically in a format prescribed by the secretary of state or if filed in a written format prescribed by the secretary of state.

2. Fees mandated in subsection 1 of this section shall be waived when a party owning any interest or part in the business is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and verifiable proof is shown to the secretary of state of such service.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 186**, entitled:

An Act to repeal sections 193.145, 194.350, and 194.360, RSMo, and to enact in lieu thereof three new sections relating to unclaimed veterans' remains.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 186, Page 6, Section 194.360, Line 75, by inserting after all of said line the following:

“447.559. All abandoned tangible personal property delivered to the treasurer pursuant to subdivision (4) of section 447.505 that has possible historical significance shall be reviewed as follows:

(1) The treasurer at the treasurer's discretion shall screen such property to determine if the property indicates a need for further review;

(2) In the event it is determined that such property needs further review, the treasurer shall make available such property to the state historical society of Missouri for historical review. The state historical society shall issue to the treasurer its report and recommend to the treasurer the appropriate state department or agency to act as custodian of any property deemed to be of such historical significance as to be retained;

(3) The state historical society shall receive a reasonable fee for its services. If the treasurer and the state historical society cannot agree on the amount of the fee, the commissioner of administration shall determine the fee. The fee shall be paid out of appropriations made from the abandoned fund account;

(4) The [state treasurer's office] **treasurer** upon receiving military medals shall hold and maintain such military medals until the original owner or [their] **such owner's** respective heirs or beneficiaries can be identified and the military medal returned. **The treasurer is authorized to make the information described in subsection 4 of section 447.560 available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries.** The [state]

treasurer may designate a [veteran's] **veterans'** organization or other appropriate organization as custodian of **military** medals until the original owner or their respective heirs or beneficiaries are located **and to assist the treasurer in identifying the original owner or such owner's respective heirs or beneficiaries; except that, no person or entity entering into an agreement under section 447.581 shall be designated by the treasurer as custodian or military medals, and any agreement to pay compensation to recover or assist in the recovery of military medals delivered to the treasurer is unenforceable.**

447.560. 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that, no additional information other than provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 376; SB 329; SCS for SB 324; SB 306; SCS for SB 287; SB 237; SB 235; SB 234; SCS for SB 191; SB 80; SB 60; SB 59; and SB 16**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 16; SB 59; SB 60; SB 80; SCS for SB 191; SB 234; SB 235; SB 237; SCS for SB 287; SB 306; SCS for SB 324; SB 329; and**

SCS for **SB 376**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

PRIVILEGED MOTIONS

Senator Parson moved that the Senate refuse to concur in **HCS** for **SB 23**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Romine moved that **SB 188**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 188** was again taken up.

Senator Romine moved that **HCS** for **SB 188** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Romine, **HCS** for **SB 188** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kraus moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 117**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Brown moved that the Senate refuse to concur in **SCS** for **SB 106**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Brown moved that **SCS** for **SB 186**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 186**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186

An Act to repeal sections 193.145, 194.350, and 194.360, RSMo, and to enact in lieu thereof three new sections relating to unclaimed veterans' remains.

Senator Brown moved that **HCS** for **SCS** for **SB 186**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown, **HCS** for **SCS** for **SB 186**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 346, introduced by Representative Molendorp, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for dental services.

Was called from the Informal Calendar and taken up by Senator Wasson.

Senator Pearce assumed the Chair.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 346, Page 1, In the Title, Lines 2-3, by striking “insurance coverage for dental

services”; and inserting in lieu thereof the following: “health insurance”; and

Further amend said bill, Page 1, Section 376.1226, Line 15, by inserting immediately after said line the following:

“376.2020. 1. For purposes of this section, the following terms shall mean:

- (1) “Enrollee”, shall have the same meaning ascribed to it in section 376.1350;**
- (2) “Health care provider”, shall have the same meaning ascribed to it in section 376.1350;**
- (3) “Health care service”, shall have the same meaning ascribed to it in section 376.1350;**
- (4) “Health carrier”, shall have the same meaning ascribed to it in section 376.1350.**

2. No provision in a contract entered into, amended, or renewed on or after August 28, 2013, between a health carrier and a health care provider shall be enforceable if such contractual provision prohibits, conditions, or in any way restricts any party to such contract from disclosing to an enrollee, patient, potential patient, or such person’s parent or legal guardian, the contractual payment amount for a health care service if such payment amount is less than the health care provider’s usual charge for the health care service, and if such contractual provision prevents the determination of the potential out-of-pocket cost for the health care service by the enrollee, patient, potential patient, parent or legal guardian.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brown, Emery, Lamping and Libla.

SA 1 was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh—29			

NAYS—Senators

McKenna	Pearce	Wasson—3
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Absent—Senators

Kehoe	Rupp—2
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Absent with leave—Senators—None

Vacancies—None

At the request of Senator Wasson, **HB 346**, as amended, was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

At the request of Senator Brown, **SB 30**, with **SCS**, was placed on the Informal Calendar.

SB 325 was placed on the Informal Calendar.

Senator Lamping moved that **SB 78**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 78**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 78

An Act to repeal section 105.456 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to barring elected officials from acting as lobbyists.

Was taken up.

Senator Lamping moved that **SCS** for **SB 78** be adopted.

Senator Lamping offered **SS** for **SCS** for **SB 78**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 78

An Act to repeal section 105.456 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 130.044 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof three new sections relating to ethical duties of candidates and members of the general assembly.

Senator Lamping moved that **SS** for **SCS** for **SB 78** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 78, Page 7, Section 105.456, Line 1, by inserting after all of said line the following:

“130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions made by or accepted from any committee, or any person other than the candidate in any one election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor, or attorney general, ten thousand dollars;

(2) To elect an individual to the office of state senator, five thousand dollars;

(3) To elect an individual to the office of state representative, two thousand five hundred dollars;

(4) To elect an individual to any other office, including judicial office, if the population of the

electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, two thousand five hundred dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, five thousand dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, ten thousand dollars.

2. For purposes of this subsection “base year amount” shall be the contribution limits prescribed in this section on January 1, 2014. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010 and rounded to the nearest twenty-five-dollar amount.

3. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

4. Contributions received and expenditures made prior to August 28, 2013, shall be reported as a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after August 28, 2013, shall be reported as a separate account from the aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.

5. Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Holsman, Sifton, Walsh and LeVota.

At the request of Senator Lamping, **SB 78**, with SCS, SS for SCS and SA 1 (pending), was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HB 432, introduced by Representative Funderburk, et al, with SCS, entitled:

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

Was called from the Informal Calendar and taken up by Senator Lager.

SCS for **HB 432**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 432

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commission intervention in certain legal proceedings.

Was taken up.

Senator Lager moved that **SCS** for **HB 432** be adopted.

President Pro Tem Dempsey assumed the Chair.

Senator Lager offered **SS** for **SCS** for **HB 432**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 432

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof four new sections relating to public utilities.

Senator Lager moved that **SS** for **SCS** for **HB 432** be adopted.

Senator Kehoe offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 432, Pages 4-6, Section 393.1200, by striking all of said section and inserting in lieu thereof the following:

“393.1200. As used in sections 393.1200 to 393.1210, the following terms mean:

(1) “Appropriate pretax revenues”, the revenues necessary to produce net operating income equal to:

(a) The electrical corporation’s weighted cost of capital multiplied by the sum of the net original cost of eligible infrastructure system replacements and additions less associated plant-related accumulated deferred income taxes in compliance with normalization requirements of federal tax law, and ISRS costs;

(b) State, federal, and local income or excise taxes applicable to such income; and

(c) An annualized level of depreciation expense on the eligible infrastructure system replacements and additions net of retirements occurring since the date through which rate base additions were accounted for in developing the revenue requirement in the electrical corporation’s most recently concluded general rate proceeding or in developing the electrical corporation’s last ISRS, and an annualized level of amortization expense on the ISRS costs;

(2) “Commission”, the Missouri public service commission;

(3) “Electric utility plant projects”, consist of the following:

(a) Electric plant, as defined in subdivision (14) of section 386.020, excluding newly constructed or newly acquired electric generating plants and administrative office buildings and their furnishings;

(b) If not being recovered in a rate schedule authorized by subsection 2 of section 386.266, the costs of capital projects undertaken to comply with federal, state, or local environmental or safety statutes, ordinances, or regulations; and

(c) The costs of facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the electrical corporation;

(4) “Electrical corporation”, shall have the same meaning as in subdivision (15) of section 386.020;

(5) “Eligible infrastructure system replacements and additions”, electric utility plant projects that:

(a) Do not increase revenues by directly connecting the infrastructure replacement or addition to new customers;

(b) Are in service and used and useful;

(c) Were not included in the electrical corporation’s rate base in its most recently concluded general rate proceeding; and

(d) Replace or extend the useful life of existing infrastructure or are for additional infrastructure;

(6) “ISRS”, infrastructure system replacement surcharge;

(7) “ISRS costs”:

(a) The original cost of eligible infrastructure system replacements and additions that were placed in service and became used and useful since the date through which rate base additions were accounted for in developing the revenue requirement in the electrical corporation’s most recently concluded general rate proceeding or in developing the electrical corporation’s last ISRS, less the retirements occurring during the same period, with the difference multiplied by the applicable weighted average depreciation rate;

(b) “ISRS costs” also include the difference calculated under paragraph (a) of this subdivision prior to its multiplication by the applicable weighted average depreciation rate less changes in the electrical corporation’s accumulated depreciation reserve since the date through which rate base additions were accounted for in developing the revenue requirement in the electrical corporation’s most recently concluded general rate proceeding or in developing the electrical corporation’s last ISRS, with that difference to be multiplied by the electrical corporation’s weighted cost of capital used to determine the appropriate pretax revenues, plus applicable state, federal, and local income or excise taxes.

The sum of the amounts determined by paragraph (a) of this subdivision, and the amount determined in paragraph (b) of this subdivision shall be deferred on the electrical corporation’s books as a regulatory asset or regulatory liability between the time the eligible infrastructure system replacements and additions were placed in service and the effective date of an ISRS rate schedule reflecting the deferred depreciation and return;

(8) “ISRS revenues”, revenues produced through an ISRS exclusive of revenues from all other rates and charges;

(9) “Net original cost of eligible infrastructure system replacements and additions”, the original cost of the eligible infrastructure system replacements and additions net of accumulated depreciation on the eligible infrastructure system replacements and additions, offset by depreciation expense accrued on plant included in rate base in the electrical corporation’s most recently concluded general rate proceeding since the effective date of rates developed in that proceeding, and also offset by plant retirements and accumulated depreciation reserve associated with such retirements for retirements recorded after the date through which rate base additions were accounted for in developing the commission-approved revenue requirement in that general rate proceeding.”; and

further amend said bill, pages 6-7, section 393.1205 by striking all of said section and inserting in lieu thereof the following:

“393.1205. 1. Notwithstanding any provisions of chapter 386 or this chapter to the contrary, beginning August 28, 2013, an electrical corporation providing electric service may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the electrical corporation’s rates and charges to provide for the recovery of costs for eligible infrastructure system replacements and additions. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the electrical corporation’s base revenue level approved by the commission in the electrical corporation’s most recent general rate proceeding. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues exceeding eight percent of the electrical corporation’s base revenue level approved by the commission in the electrical corporation’s most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1200 to 393.1210.

2. The commission shall not approve an ISRS for any electrical corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the electrical corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall an electrical corporation collect an ISRS for a period exceeding three years unless the electrical corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established. An electrical corporation shall be permitted to establish or change ISRS rate schedules during the pendency of a general rate proceeding so long as the establishment or change in the ISRS rate schedules takes effect on or before the date through which rate base additions were accounted for in developing the commission-approved revenue requirement in that general rate proceeding.”; and

further amend said bill, pages 7-12, section 393.1210 by striking all of said section and inserting in lieu thereof the following:

“393.1210. 1. (1) At the time that an electrical corporation files a petition with the commission seeking to establish or change an ISRS, it shall submit proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS with the petition, and shall

serve the office of the public counsel with a copy of its petition, its proposed rate schedules, and its supporting documentation.

(2) Upon the filing of a petition, and any associated rate schedules, seeking to establish or change an ISRS, the commission shall publish notice of the filing.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1200 to 393.1210, the commission shall conduct an examination of the proposed ISRS.

(2) The staff of the commission may examine information of the electrical corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1200 to 393.1210, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than ninety days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of sections 393.1200 to 393.1210.

(3) The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred fifty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1200 to 393.1210, the commission shall enter an order authorizing the corporation to impose an ISRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of sections 393.1200 to 393.1210.

3. An electrical corporation may effectuate a change in its rate pursuant to the provisions of this section no more often than two times every twelve months.

4. In determining the appropriate pretax revenue, the commission shall consider only the following factors:

(1) The current state, federal, and local income tax or excise rates;

(2) The electrical corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the electrical corporation;

(3) The actual cost rates for the electrical corporation's debt and preferred stock as determined during the most recent general rate proceeding of the electrical corporation;

(4) The electrical corporation's cost of common equity as determined during the most recent general rate proceeding of the electrical corporation;

(5) The current depreciation rates applicable to the eligible infrastructure system replacements and additions;

(6) In the event information pursuant to subdivisions (2), (3), and (4) of this subsection is unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall refer to the testimony submitted during the most recent general rate proceeding of the electrical corporation and use, in lieu of any such unavailable information, the recommended capital structure, recommended cost rates for debt and preferred stock, and recommended cost of common equity that would produce the average weighted cost of capital based upon the various recommendations contained in such testimony.

5. (1) The monthly ISRS charge may be calculated based on a reasonable estimate of billing units in the period in which the charge will be in effect, which shall be conclusively established by dividing the appropriate pretax revenues by the customer numbers reported by the electrical corporation in the annual report it most recently filed with the commission pursuant to subdivision (6) of section 393.140, and then further dividing this quotient by twelve. Provided, however, that the monthly ISRS may vary according to customer class and may be calculated based on customer numbers as determined during the most recent general rate proceeding of the electrical corporation so long as the monthly ISRS for each customer class maintains a proportional relationship equivalent to the proportional relationship of the monthly customer charge for each customer class.

(2) At the end of each twelve-month calendar period the ISRS is in effect, the electrical corporation shall reconcile the differences between the revenues resulting from an ISRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed ISRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of an ISRS charge.

6. (1) An electrical corporation that has implemented an ISRS pursuant to the provisions of sections 393.1200 to 393.1210 shall file revised rate schedules to reset the ISRS to zero when new base rates and charges become effective for the electrical corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an ISRS.

(2) Upon the inclusion in an electrical corporation's base rates subject to subsections 8 and 9 of this section of eligible costs previously reflected in an ISRS, the electrical corporation shall immediately thereafter reconcile any previously unreconciled ISRS revenues as necessary to ensure that revenues resulting from the ISRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. An electrical corporation's filing of a petition or change to an ISRS pursuant to the provisions of sections 393.1200 to 393.1210 shall not be considered a request for a general increase in the electrical corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of sections 393.1200 to 393.1210 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements and additions during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements and additions previously included in an ISRS, the electrical corporation shall credit the bills of its customers as of the time the credit is being given for the disallowed amount, plus interest at the electrical corporation's weighted cost of capital from its last general rate proceeding, over a period of no longer than six months. Credits shall be allocated to each rate class in proportion to the ISRS charges applicable to that rate class during the period when the overcollections occurred. Each customer in a given rate class shall receive the same credit, and each credit shall be shown as a separate line item on customers' bills.

9. Nothing in this section shall be construed as limiting the authority of the commission to review and consider infrastructure system replacement and addition costs along with other costs during any

general rate proceeding of any electrical corporation.

10. Nothing contained in sections 393.1200 to 393.1210 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of an electrical corporation, including review of the prudence of eligible infrastructure system replacements and additions made by an electrical corporation, pursuant to the provisions of section 386.390.

11. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

12. Sections 393.1200, 393.1205, and 393.1210 shall terminate and be of no further force and effect after August 27, 2028, unless those sections shall be reenacted by the general assembly. In the event of termination, any ISRS in effect shall also terminate and be of no further force and effect after such date.”.

Senator Kehoe moved that the above amendment be adopted.

Senator Emery offered SSA 1 for SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 432, Pages 4-6, Section 393.1200, by striking all of said section and inserting in lieu thereof the following:

“393.1200. As used in sections 393.1200 to 393.1210, the following terms mean:

(1) “Appropriate pretax revenues”, the revenues necessary to produce net operating income equal to:

(a) The electrical corporation’s weighted cost of capital multiplied by the sum of the net original cost of eligible infrastructure system replacements and additions less associated plant-related accumulated deferred income taxes in compliance with normalization requirements of federal tax law, and ISRS costs;

(b) State, federal, and local income or excise taxes applicable to such income; and

(c) An annualized level of depreciation expense on the eligible infrastructure system replacements and additions net of retirements occurring since the date through which rate base additions were accounted for in developing the revenue requirement in the electrical corporation’s most recently concluded general rate proceeding or in developing the electrical corporation’s last ISRS, and an annualized level of amortization expense on the ISRS costs;

(2) “Commission”, the Missouri public service commission;

(3) “Electric utility plant projects”, consist of the following:

(a) Electric plant, as defined in subdivision (14) of section 386.020, excluding newly constructed or newly acquired electric generating plants and administrative office buildings and their furnishings;

(b) If not being recovered in a rate schedule authorized by subsection 2 of section 386.266, the costs of capital projects undertaken to comply with federal, state, or local environmental or safety statutes, ordinances, or regulations; and

(c) The costs of facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the electrical corporation;

(4) "Electrical corporation", shall have the same meaning as in subdivision (15) of section 386.020;

(5) "Eligible infrastructure system replacements and additions", electric utility plant projects that:

(a) Do not increase revenues by directly connecting the infrastructure replacement or addition to new customers;

(b) Are in service and used and useful;

(c) Were not included in the electrical corporation's rate base in its most recently concluded general rate proceeding; and

(d) Replace or extend the useful life of existing infrastructure or are for additional infrastructure;

(6) "ISRS", infrastructure system replacement surcharge;

(7) "ISRS costs":

(a) The original cost of eligible infrastructure system replacements and additions that were placed in service and became used and useful since the date through which rate base additions were accounted for in developing the revenue requirement in the electrical corporation's most recently concluded general rate proceeding or in developing the electrical corporation's last ISRS, less the retirements occurring during the same period, with the difference multiplied by the applicable weighted average depreciation rate;

(b) "ISRS costs" also include the difference calculated under paragraph (a) of this subdivision prior to its multiplication by the applicable weighted average depreciation rate less changes in the electrical corporation's accumulated depreciation reserve since the date through which rate base additions were accounted for in developing the revenue requirement in the electrical corporation's most recently concluded general rate proceeding or in developing the electrical corporation's last ISRS, with that difference to be multiplied by the electrical corporation's weighted cost of capital used to determine the appropriate pretax revenues, plus applicable state, federal, and local income or excise taxes.

The sum of the amounts determined by paragraph (a) of this subdivision, and the amount determined in paragraph (b) of this subdivision shall be deferred on the electrical corporation's books as a regulatory asset or regulatory liability between the time the eligible infrastructure system replacements and additions were placed in service and the effective date of an ISRS rate schedule reflecting the deferred depreciation and return;

(8) "ISRS revenues", revenues produced through an ISRS exclusive of revenues from all other

rates and charges;

(9) “Net original cost of eligible infrastructure system replacements and additions”, the original cost of the eligible infrastructure system replacements and additions net of accumulated depreciation on the eligible infrastructure system replacements and additions, offset by depreciation expense accrued on plant included in rate base in the electrical corporation’s most recently concluded general rate proceeding since the effective date of rates developed in that proceeding, and also offset by plant retirements and accumulated depreciation reserve associated with such retirements for retirements recorded after the date through which rate base additions were accounted for in developing the commission-approved revenue requirement in that general rate proceeding.”; and

further amend said bill, pages 6-7, section 393.1205 by striking all of said section and inserting in lieu thereof the following:

“393.1205. 1. Notwithstanding any provisions of chapter 386 or this chapter to the contrary, beginning August 28, 2013, an electrical corporation providing electric service may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the electrical corporation’s rates and charges to provide for the recovery of costs for eligible infrastructure system replacements and additions. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the electrical corporation’s base revenue level approved by the commission in the electrical corporation’s most recent general rate proceeding. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues exceeding seven percent of the electrical corporation’s base revenue level approved by the commission in the electrical corporation’s most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1200 to 393.1210.

2. The commission shall not approve an ISRS for any electrical corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the electrical corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall an electrical corporation collect an ISRS for a period exceeding three years unless the electrical corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established. An electrical corporation shall be permitted to establish or change ISRS rate schedules during the pendency of a general rate proceeding so long as the establishment or change in the ISRS rate schedules takes effect on or before the date through which rate base additions were accounted for in developing the commission-approved revenue requirement in that general rate proceeding.”; and

further amend said bill, pages 7-12, section 393.1210 by striking all of said section and inserting in lieu thereof the following:

“393.1210. 1. (1) At the time that an electrical corporation files a petition with the commission seeking to establish or change an ISRS, it shall submit proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS with the petition, and shall serve the office of the public counsel with a copy of its petition, its proposed rate schedules, and its

supporting documentation.

(2) Upon the filing of a petition, and any associated rate schedules, seeking to establish or change an ISRS, the commission shall publish notice of the filing.

(3) Upon filing of a petition, and any associated rate schedules, the electrical corporation shall submit a filing fee to the commission in the amount of thirty thousand dollars, which shall be remitted by the commission to the office of the public counsel. This filing fee shall not be recoverable from consumers and shall not be considered as a recoverable expense in a general rate proceeding before the commission.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1200 to 393.1210, the commission shall conduct an examination of the proposed ISRS.

(2) The staff of the commission may examine information of the electrical corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1200 to 393.1210, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than ninety days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of sections 393.1200 to 393.1210.

(3) The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred fifty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1200 to 393.1210, the commission shall enter an order authorizing the corporation to impose an ISRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of sections 393.1200 to 393.1210.

3. An electrical corporation may effectuate a change in its rate pursuant to the provisions of this section no more often than two times every twelve months.

4. In determining the appropriate pretax revenue, the commission shall consider only the following factors:

(1) The current state, federal, and local income tax or excise rates;

(2) The electrical corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the electrical corporation;

(3) The actual cost rates for the electrical corporation's debt and preferred stock as determined during the most recent general rate proceeding of the electrical corporation;

(4) The electrical corporation's cost of common equity as determined during the most recent general rate proceeding of the electrical corporation;

(5) The current depreciation rates applicable to the eligible infrastructure system replacements and additions;

(6) In the event information pursuant to subdivisions (2), (3), and (4) of this subsection is unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall refer to the testimony submitted during the most recent general rate proceeding of

the electrical corporation and use, in lieu of any such unavailable information, the recommended capital structure, recommended cost rates for debt and preferred stock, and recommended cost of common equity that would produce the average weighted cost of capital based upon the various recommendations contained in such testimony.

5. (1) The monthly ISRS charge may be calculated based on a reasonable estimate of billing units in the period in which the charge will be in effect, which shall be conclusively established by dividing the appropriate pretax revenues by the customer numbers reported by the electrical corporation in the annual report it most recently filed with the commission pursuant to subdivision (6) of section 393.140, and then further dividing this quotient by twelve. Provided, however, that the monthly ISRS may vary according to customer class and may be calculated based on customer numbers as determined during the most recent general rate proceeding of the electrical corporation so long as the monthly ISRS for each customer class maintains a proportional relationship equivalent to the proportional relationship of the monthly customer charge for each customer class.

(2) At the end of each twelve-month calendar period the ISRS is in effect, the electrical corporation shall reconcile the differences between the revenues resulting from an ISRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed ISRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of an ISRS charge.

6. (1) An electrical corporation that has implemented an ISRS pursuant to the provisions of sections 393.1200 to 393.1210 shall file revised rate schedules to reset the ISRS to zero when new base rates and charges become effective for the electrical corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an ISRS.

(2) Upon the inclusion in an electrical corporation's base rates subject to subsections 8 and 9 of this section of eligible costs previously reflected in an ISRS, the electrical corporation shall immediately thereafter reconcile any previously unreconciled ISRS revenues as necessary to ensure that revenues resulting from the ISRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. An electrical corporation's filing of a petition or change to an ISRS pursuant to the provisions of sections 393.1200 to 393.1210 shall not be considered a request for a general increase in the electrical corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of sections 393.1200 to 393.1210 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements and additions during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements and additions previously included in an ISRS, the electrical corporation shall credit the bills of its customers as of the time the credit is being given for the disallowed amount, plus interest at the electrical corporation's weighted cost of capital from its last general rate proceeding, over a period of no longer than six months. Credits shall be allocated to each rate class in proportion to the ISRS charges applicable to that rate class during the period when the overcollections occurred. Each

customer in a given rate class shall receive the same credit, and each credit shall be shown as a separate line item on customers' bills.

9. Nothing in this section shall be construed as limiting the authority of the commission to review and consider infrastructure system replacement and addition costs along with other costs during any general rate proceeding of any electrical corporation.

10. Nothing contained in sections 393.1200 to 393.1210 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of an electrical corporation, including review of the prudence of eligible infrastructure system replacements and additions made by an electrical corporation, pursuant to the provisions of section 386.390.

11. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

12. Sections 393.1200, 393.1205, and 393.1210 shall terminate and be of no further force and effect after August 27, 2025, unless those sections shall be reenacted by the general assembly. In the event of termination, any ISRS in effect shall also terminate and be of no further force and effect after such date.”.

Senator Emery moved that the above substitute amendment be adopted.

Senator Wallingford offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill 432, Pages 1-4, Section 393.1200, by deleting said section in its entirety; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted.

At the request of Senator Lager, **SS** for **SCS** for **HB 432** was withdrawn, which rendered **SA 1**, **SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** moot.

SCS for **HB 432** was again taken up.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 432, Page 3, Section 386.210, Line 70, by inserting after all of said line the following:

“393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility’s sales:

- (1) No less than two percent for calendar years 2011 through 2013;
- (2) No less than five percent for calendar years 2014 through 2017;
- (3) No less than ten percent for calendar years 2018 through 2020; and
- (4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility’s cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation. **Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail rate increase would be less than or equal to one percent if an electric utility’s investment in solar-related projects initiated, owned or operated by the electric utility is ignored for purposes of calculating the increase, then additional solar rebates shall be paid and included in rates in an amount up to the amount that would produce a retail rate increase equal to the difference between a one percent retail rate increase and the retail rate increase calculated when ignoring an electric utility’s investment in solar-related projects initiated, owned, or operated by the electric utility. Notwithstanding anything to the contrary in this section, even if the payment of additional solar rebates will produce a maximum average retail rate increase of greater than one percent when an electric utility’s investment in solar-related projects initiated, owned or operated by the electric utility are included in the calculation, the additional solar rebate costs shall be included in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this subsection;**

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1 **of this section**. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties

shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050, each electric utility shall make available to its retail customers a [standard] solar rebate [offer of at least two dollars per installed watt] for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, measured in direct current that [become operational after 2009] were confirmed by the electric utility to have become operational in compliance with the provisions of section 386.890. The solar rebates shall be two dollars per watt for systems becoming operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for systems becoming operational after June 30, 2020. An electric utility may, through its tariffs, require applications for rebates to be submitted up to one hundred eighty-two days prior to the June 30 operational date. Nothing in this section shall prevent an electrical corporation from offering rebates after July 1, 2020, through an approved tariff. If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility will be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff will include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed and if the commission determines that the maximum average retail rate increase will be reached the commission will approve the tariff suspension. The electric utility will continue to process and pay applicable solar rebates until a final commission ruling, however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

4. The department shall, in consultation with the commission, establish by rule a certification process

for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

6. The commission shall have the authority to promulgate rules for the implementation of this section, as amended, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section, as amended. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted.

At the request of Senator Lager, **HB 432**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 254**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 34**, entitled:

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 1, Section 287.980, Line 8, by inserting the following after all of said line:

“287.957. The experience rating plan shall contain reasonable eligibility standards, provide adequate

incentives for loss prevention, and shall provide for sufficient premium differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective premium adjustments based upon an insured's past experience. Such system shall provide for retrospective adjustment of an experience modification and premiums paid pursuant to such experience modification where a prior reserved claim produced an experience modification that varied by greater than fifty percent from the experience modification that would have been established based on the settlement amount of that claim. The rating plan shall prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan** and the employer pays all of the total medical costs and there is no lost time from the employment, other than the first three days or less of disability under subsection 1 of section 287.160, and no claim is filed. An employer opting to utilize this provision maintains an obligation to report the injury under subsection 1 of section 287.380.

287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall be effective on January 1, 2014.

4. For purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to recede from its position on **HCS** for **SB 23**, as amended, and grants to the Senate a conference thereon. The Speaker has appointed the following committee to act with a like committee from the Senate

on **HCS** for **SB 23**, as amended. Representatives: Jones (50), Hough, and Rizzo.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 23**, as amended: Senators Parson, Kehoe, Cunningham, Justus and Curls.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **HCS** for **SB 188** and **SS** for **SB 28**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Sifton offered Senate Resolution No. 857, regarding Katharine Loher, which was adopted.

Senator Schaefer offered Senate Resolution No. 858, regarding William Mustain, which was adopted.

Senator Dempsey offered Senate Resolution No. 859, regarding State Employee Recognition Week, which was adopted.

Senator Nasheed offered Senate Resolution No. 860, regarding Hannah M. Young, which was adopted.

Senator Nasheed offered Senate Resolution No. 861, regarding Brittany Campbell, which was adopted.

Senator Sifton offered Senate Resolution No. 862, regarding Elizabeth Stroble, PhD, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Richard introduced to the Senate, Jay Decker, Don Danner, Butch Beeman, Stephanie Hams, Jeanne Dee, Dave Myers and Nick Myers, representatives from Missouri Society of Certified Public Accountants from around the state.

Senator Kehoe introduced to the Senate, Mrs. Laney Clemens, Mr. Tyler Clark and students from Simonsen Ninth Grade Center, Jefferson City.

Senator Schaefer introduced to the Senate, Coach Melissa Coil and the 2012 Class 2 State Champion Rock Bridge girls golf team; and Coaches Jill Nagel, Kelsey Gillespy, Cameo Holly, Meagan Halphin and the 2013 Class 5 Champion Rock Bridge girls basketball team.

Senator Keaveny introduced to the Senate, Stacy Elgin and John Breier, St. Louis.

On behalf of Senator Kehoe, the President introduced to the Senate, Ms. Maureen Doyle, Manchester, England; and Juanita Humphrey, Jefferson City.

Senator Munzlinger introduced to the Senate, his mother-in-law, Pearl Franks and Elaine Gorrell, Canton; and Tony and Lillian Maack, Harrison, Montana.

Senator Nieves introduced to the Senate, Mary Kleekamp, Rockwood.

Senator Cunningham introduced to the Senate, Esther Feters, Lisa Keeler and Theresa Clement,

Marshfield.

On behalf of Senator Pearce, the President introduced to the Senate, Terry and Louise Farmer, Warrensburg.

Senator Dixon introduced to the Senate, Directors of Pregnancy Resource Centers from around the state.

Senator Nieves introduced to the Senate, twenty fourth grade students from Labadie Elementary School.

Senator Dempsey introduced to the Senate, Coaches Erin Pauk, Anne Witte, Kayla Marty, Dave Viviano; Managers Elizabeth Lersch and Mason Vieth; Athletic Director Doug Kuhlmann; and members of the 2013 Class 3 Champion Lutheran High School girls basketball team: Meg Derrington, Savannah Kluesner, Madison Knoblauch, Hannah Leppien, Ruthie Macke, Nicole Masters, Lauren Orr, Claire Schoedel, Jessica Skerston, Katie Umbach, Carley Von Deylen and Natalie Weinhold, St. Charles.

Senator Pearce introduced to the Senate, Jamee Sanders, parents and forty fourth grade students from New Franklin Elementary School.

Senator Schmitt introduced to the Senate, Chris Clayton, Tampa, Florida.

Senator Lamping introduced to the Senate, his wife, Caryn, and their daughter, Emma.

Senator Emery introduced to the Senate, Sarah Morris, Jimmy Morris, Susanna Thornton, Elizabeth Johnson, Michael Lane, Caleb Rouse and Jeremiah Gathright, representatives of American Government Camp.

Senator Chappelle-Nadal introduced to the Senate, Dayna Stock, St. Louis.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIRST DAY—THURSDAY, MAY 2, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HJR 26
HCS for HB 653
HB 421-Curtman
HCS for HB 986

HCS for HB 675
HCS for HB 285
HCS for HB 859

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe (In Fiscal Oversight)

SS for SB 401-Rupp (In Fiscal Oversight)

SS for SCS for SB 437-Pearce

SCS for SB 378-Pearce (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager)

(In Fiscal Oversight)

2. HCS for HB 194 (Parson)

(In Fiscal Oversight)

3. HB 307-Riddle, et al, with SCS (Schmitt)

4. HCS for HB 656 (Nasheed)

5. HB 316-Phillips, et al (Sater)

(In Fiscal Oversight)

6. HCS for HBs 446 & 211 (Cunningham)

7. HB 478-Wieland, et al (Romine)

8. HCS for HBs 374 & 434, with SCS (Dixon)

9. HCS for HB 215, with SCS (Dixon)

(In Fiscal Oversight)

10. HB 400-Riddle, et al (Wallingford)

11. HB 274-Brattin, et al, with SCS (Brown)

(In Fiscal Oversight)

12. HCS for HB 168 (Kraus)

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 30-Brown, with SCS

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending)

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford

SB 207-Kehoe, et al, with SCS

SB 210-Lamping and Nieves, with SCS

SB 231-Munzlinger, with SA 1 (pending)

SB 239-Emery, with SCS & SA 2 (pending)
 SB 250-Schaaf, with SCS
 SB 259-Schaaf, with SCS
 SB 272-Nieves, with SA 2 (pending)
 SB 285-Romine
 SB 291-Rupp
 SB 292-Rupp
 SB 308-Schaaf
 SB 315-Pearce
 SB 325-Nieves
 SB 339-Romine
 SB 343-Parson
 SB 364-Parson

SB 371-Munzlinger, with SCS
 SB 377-Dixon
 SB 383-Wallingford
 SB 396-Holsman and Chappelle-Nadal, with
 SCS
 SB 403-Rupp, with SCS
 SB 410-Kehoe
 SB 419-Lager, with SCS
 SB 423-Nasheed
 SB 441-Dempsey
 SB 448-Schmitt and Keaveny
 SB 455-Nieves, with SCS
 SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
 HB 55-Flanigan and Allen, with SCS
 (Schaefer)
 HB 112-Burlison, with SA 2 (pending) (Brown)
 HB 184-Cox, et al (Parson)
 HCS for HB 199 (Lamping)
 HCS for HBs 256, 33 & 305, with SA 1
 (pending) (Kehoe)

HB 346-Molendorp (Wasson)
 HB 432-Funderburk, et al, with SCS &
 SA 1 (pending) (Lager)
 HCS for HB 436, with SCS (pending) (Nieves)
 HCS for HB 457, with SCS (Rupp)
 SS for SCS for HB 542 (Munzlinger)
 (In Fiscal Oversight)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
 with HCS, as amended
 SS for SB 34-Cunningham, with HCS, as
 amended

SB 197-Sater, et al, with HA 1

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 23-Parson, with HCS, as amended

HCS for HB 1, with SCS (Schaefer)

HCS for HB 2, with SCS (Schaefer)	HCS for HB 9, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)	HCS for HB 10, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)	HCS for HB 11, with SCS, as amended (Schaefer)
HCS for HB 5, with SCS (Schaefer)	HCS for HB 12, with SCS (Schaefer)
HCS for HB 6, with SCS, as amended (Schaefer)	HCS for HB 13, with SCS (Schaefer)
HCS for HB 7, with SCS, as amended (Schaefer)	HCS for HJR 11 & 7, with SS, as amended (Parson)
HCS for HB 8, with SCS (Schaefer)	

Requests to Recede or Grant Conference

SCS for SB 106-Brown, with HA 1, HA 2, HA 3, HA 4, as amended & HA 5 (Senate requests House recede or grant conference)	SCS for SB 117-Kraus, with HCS, as amended (Senate requests House recede or grant conference)
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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY—THURSDAY, MAY 2, 2013

The Senate met pursuant to adjournment.

Senator Lager in the Chair.

Reverend Carl Gauck offered the following prayer:

“Each day we make deposits in the memory banks of our children.” (Pastor Charles Swindoll)

Heavenly Father, be with us as we complete our work this day and with gladness return to loved ones. Make us mindful that all we do and say are recorded by the hearts and minds of our children and grandchildren. And help us do those things that are most pleasing in Your sight as we share special moments with our loved ones who make life sweet and keep life orderly and helpful for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced that Eric Norwine, St. Charles, was given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 863, regarding Susan Jackson, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 864, regarding Barbara Paul, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 865, regarding Elizabeth Anne Wampler, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 866, regarding Sally J. Colwell, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 867, regarding Terry D. Skinner, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 868, regarding Carmen Litton, Blackwell, which was adopted.

Senator Romine offered Senate Resolution No. 869, regarding Charles N. Causey, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 870, regarding Evelyn Momot, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 871, regarding Randell Myers, which was adopted.

Senator Romine offered Senate Resolution No. 872, regarding Kimberley Diane McDowell AuBuchon, which was adopted.

Senator Romine offered Senate Resolution No. 873, regarding Tom Barber, which was adopted.

Senator Romine offered Senate Resolution No. 874, regarding Mark Winston Kiser, which was adopted.

Senator Romine offered Senate Resolution No. 875, regarding Deborah Chase, Festus, which was adopted.

Senator Romine offered Senate Resolution No. 876, regarding Susan L. Tiefenauer, which was adopted.

Senator Keaveny offered Senate Resolution No. 877, regarding Amy DuBois Barnett, which was adopted.

Senator Keaveny offered Senate Resolution No. 878, regarding Beth Davis, which was adopted.

Senator Keaveny offered Senate Resolution No. 879, regarding Minga S. Furr, which was adopted.

Senator Keaveny offered Senate Resolution No. 880, regarding Shari Headley, which was adopted.

Senator Keaveny offered Senate Resolution No. 881, regarding Chaka Khan, which was adopted.

Senator Lamping offered Senate Resolution No. 882, regarding Barbara Turkington, which was adopted.

Senator Lamping offered Senate Resolution No. 883, regarding Dorothy Louise Willis, which was adopted.

Senator Lamping offered Senate Resolution No. 884, regarding the Reverend Terri Swan, which was adopted.

Senator Lamping offered Senate Resolution No. 885, regarding Maxine Clark, which was adopted.

Senator LeVota offered Senate Resolution No. 886, regarding Jessica Leigh Adams, Saint Louis, which was adopted.

Senator Schaaf offered Senate Resolution No. 887, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry McCray, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 888, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leonard Eugene “Gene” McAfee, St. Joseph, which was adopted.

Senator Wasson offered Senate Resolution No. 889, regarding Cindy Dunn, Marshfield, which was adopted.

Senator Wasson offered Senate Resolution No. 890, regarding Susan Kraft, Marshfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 411** and **SS** for **SB 401**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Kehoe moved that **HCS** for **HBs 256, 33 and 305**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Chappelle-Nadal, **SA 1** was withdrawn.

Senator Kehoe offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bills Nos. 256, 33 and 305, Page 5, Section 1, Line 3, by inserting at the end of said line the following:

“The provisions of this section shall only apply to a flight on a state-owned plane.”.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bills Nos. 256, 33 and 305, Page 5, Section 610.021, Line 125, by inserting after all of said line the following:

“610.150. Except as provided by this section, any information acquired by a law enforcement agency or a first responder agency by way of a complaint or report of a crime made by telephone contact using the emergency number, “911”, shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of

the crime or incident shall be considered to be an incident report and subject to section 610.100. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of workers' compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kehoe, **HCS** for **HBs 256, 33** and **305**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Nieves moved that **HCS** for **HB 436**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 436** was again taken up.

Senator Pearce assumed the Chair.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 436, Section 1.320, page 3, line 72, by striking all of said line and inserting in lieu thereof, the following:

“and the Missouri Constitution;

(9) The General Assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws;

(10) The General Assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 436, Page 13, Section 571.030, Line 176, by inserting immediately after all of said line the following:

“571.067. No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless:

(1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and

(2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff’s revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager assumed the Chair.

Senator Nieves moved that **SCS** for **HCS** for **HB 436**, as amended, be adopted, which motion prevailed.

On motion of Senator Nieves, **SCS** for **HCS** for **HB 436**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	Nasheed	Sifton—6
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Absent—Senators

Holsman	McKenna—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nieves, title to the bill was agreed to.

Senator Nieves moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Kinder assumed the Chair.

HB 307, introduced by Representative Riddle, et al, with **SCS**, entitled:

An Act to repeal section 321.015, RSMo, and to enact in lieu thereof one new section relating to fire protection districts.

Was taken up by Senator Schmitt.

SCS for **HB 307**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 307

An Act to repeal sections 84.830, 190.100, 321.015, 321.210, and 321.322, RSMo, and to enact in lieu thereof seven new sections relating to emergency service providers, with existing penalty provisions.

Was taken up.

Senator Schmitt moved that **SCS** for **HB 307** be adopted.

Senator Schmitt offered **SS** for **SCS** for **HB 307**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 307

An Act to repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.490, 84.830, 85.551, 99.845, 106.010, 106.270, 190.100, 321.015, 321.210, 321.322, and 590.080, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency service providers, with existing penalty provisions.

Senator Kehoe assumed the Chair.

Senator Pearce assumed the Chair.

Senator Schmitt moved that **SS** for **SCS** for **HB 307** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 307, Page 28, Section 106.273, Line 26, by inserting after all of said line the following:

“174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control and to respond to emergencies or natural disasters outside of the boundaries of university property and provide services if requested by the law enforcement agency with jurisdiction.

174.703. **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as prescribed in chapter 304. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590 for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570. Points assessed against any person under section 302.302, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.”; and

Further amend said bill, Page 44, Section 321.322, Line 21, by inserting after all of said line the following:

“544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, **any college or university police officer**, and any commissioned member of the Missouri state park rangers in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer’s, conservation agent’s, capitol police officer’s, **college or university police officer’s**, or state park ranger’s jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer’s jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person’s appearance before the court having jurisdiction to try the offense. The person so arrested need not

be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term “fresh pursuit”, as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. “Fresh pursuit” as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

(1) There shall be supervisory control of the pursuit;

(2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(3) There shall be procedures for coordinating operation with other jurisdictions; and

(4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 307, Page 29, Section 190.098, Line 14, by inserting after “nurse” the following:

“through a collaborative practice arrangement with a physician”; and

Further amend line 15 by inserting after “assistant” the following:

“through a collaborative practice arrangement with a physician”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 307, Page 1, Section A, Line 8, by inserting immediately after said line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) **Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:**

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard

motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under

such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all [sales of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes [imposed pursuant to the local sales tax law] **shall not be imposed on the seller** [on the purchase and sale] of motor vehicles, trailers, boats, and outboard motors [shall not be collected and

remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost

or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend said bill, page 28, section 106.273, line 26, by inserting immediately after said line the following:

“144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection,** upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, [including but not limited to] **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection,** a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of “sale at retail” or leased or rented the property and the tax was paid at

the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. Except as otherwise provided,** the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors [subject to sales taxes under this chapter] shall be [deemed to be consummated] **imposed at the rate in effect**, unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the

date of the sale, **any** [the sales or use] tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any [sales or use] tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county [sales or use] tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term “boat” includes all motorboats and vessels as the terms “motorboat” and “vessel” are defined in section 306.010.

144.440. 1. [In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.] At the time the owner of any [such] motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.] 2. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

[4.] 3. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.] 4. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a [use] **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A [use] **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.] 5. In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a [use] **sales** tax[,], all of its lease receipts would be subject to the [use] **sales** tax[,], regardless of whether or not the leasing company previously paid a sales tax when the vehicle,

trailer, boat, or outboard motor was originally purchased.

[7.] **6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of** section [144.440] **144.020** shall not apply:

(1) [To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)] To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)] **(2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)] **(3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)] **(4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)] **(5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)] **(6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)] **(7)** To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of** section [144.440] **144.020** on motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and** sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of** section [144.440] **144.020** on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] **as dictated by article IV, section 30(b) of the Constitution of Missouri.**

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the

director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local [sales and use] taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020**, purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales or use] tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the [use] tax provided by [the Missouri use tax law] **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to [use] tax [as provided in the Missouri use tax law] **in this chapter** until the tax levied for the use of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt

from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section [144.440] **144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.”; and

Further amend said bill, page 46, section 590.080, line 19, by inserting immediately after said line the following:

“Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.”; and

Further amend said bill, page 46, section 84.490, line 3, by inserting immediately after said line the following:

“Section B. Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Kehoe moved that the above amendment be adopted.

Senator Schmitt raised the point of order that **SA 3** is out of order as it goes beyond the scope of the underlying bill.

At the request of Senator Kehoe, **SA 3** was withdrawn rendering the point of order moot.

Senator Schmitt moved that **SS** for **SCS** for **HB 307**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **HB 307**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

At the request of Senator Kehoe, **SCS** for **SB 411** was placed on the Informal Calendar.

SS for **SB 401**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 401

An Act to amend chapter 376, RSMo, by adding thereto ten new sections relating to health insurance exchanges, with penalty provisions and an emergency clause.

Senator Lager assumed the Chair.

Was taken up.

On motion of Senator Rupp, **SS** for **SB 401** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Walsh	Wasson—30		

NAYS—Senators

Emery	Nieves	Wallingford—3
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Absent—Senator Kehoe—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Walsh	Wasson—29			

NAYS—Senators

Nieves Wallingford—2

Absent—Senators

Holsman Kehoe LeVota—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 437, introduced by Senator Pearce, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 437

An Act to repeal sections 163.191 and 173.616, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education.

Was taken up.

Senator Pearce moved that **SS for SCS for SB 437** be read the 3rd time and finally passed.

At the request of Senator Pearce, **SS for SCS for SB 437** was placed on the Informal Calendar.

President Pro Tem Dempsey assumed the Chair.

PRIVILEGED MOTIONS

Senator Cunningham moved that the Senate refuse to concur in **HCS for SS for SB 34**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon,

which motion prevailed.

Photographers from Jeff City Journal were given permission to take pictures in the Senate Chamber.

Senator Sater moved that **SB 197**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Sater moved that **HA 1** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Kraus—1

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Sater, **SB 197**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 210**, entitled:

An Act to repeal sections 32.057, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911, 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.023, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 211.071, 211.447, 214.410, 217.010, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 260.379, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.181, 302.304, 302.321, 302.500, 302.540, 302.541, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 339.100, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 375.1312, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.026, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.105, 559.106, 559.107, 559.110, 559.115, 559.117, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020, 565.021, 565.023, 565.024, 565.025, 565.030, 565.032, 565.035, 565.040, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.025, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.086, 566.090, 566.093, 566.095, 566.100, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032,

568.040, 568.045, 568.050, 568.052, 568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072, 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.130, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190, 570.200, 570.210, 570.215, 570.217, 570.219, 570.220, 570.222, 570.223, 570.224, 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.310, 570.380, 571.010, 571.014, 571.015, 571.017, 571.020, 571.030, 571.045, 571.050, 571.060, 571.063, 571.070, 571.072, 571.080, 571.085, 571.087, 571.093, 571.095, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.150, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 572.110, 572.120, 573.010, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020, 574.030, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020, 575.021, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.350, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.026, 577.029, 577.031, 577.037, 577.039, 577.041, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080, 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.075, 578.095, 578.100, 578.105, 578.106, 578.110, 578.120, 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445, 578.450, 578.500, 578.503, 578.510, 578.520, 578.525, 578.530, 578.570, 578.614, 589.015, 589.425, 590.700, 610.125, 630.155, 630.165, 632.480, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof seven hundred twenty-eight new

sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 630**, entitled:

An Act to repeal sections 620.1881 and 620.1910, RSMo, and to enact in lieu thereof three new sections relating to the manufacturing jobs act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 371**, entitled:

An Act to repeal sections 32.056, 43.518, 56.807, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 375.1312, 432.047, 443.723, 452.375, 452.400, 453.015, 453.030, 453.040, 453.050, 476.057, 478.007, 488.026, 488.426, 488.2250, 488.5320, 513.430, 556.036, 556.037, 556.061, 558.018, 558.026, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 570.120, 589.015, 590.700, and 632.480, RSMo, and to enact in lieu thereof fifty-seven new sections relating to judicial procedure, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SCS** for **SB 1**, entitled:

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.150, 287.200, 287.210, 287.220, 287.610, 287.690, 287.715, 287.745, 287.955, and 287.957, RSMo, and to enact in lieu thereof fifteen new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6 and 8.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Section 287.150, Pages 11-13, Lines 1-90, by deleting all of said Section from the bill; and

Further amend said bill, Section 287.200, Page 15, Lines 54 - 68, by deleting all of said Lines and inserting in lieu thereof the following:

“(1) Notwithstanding any provision of law to the contrary, such amount as due to the employee during said employee’s life as provided for under this chapter for an award of permanent total disability and death, except such amount shall begin only when the benefits payable under subdivisions (2) and (3) of this subsection have been exhausted;

(2) An amount equal to one hundred percent of the state’s average weekly wage as of the date of diagnosis for seventy-five weeks shall be paid by the employer; or

(3) In cases where occupational diseases due to toxic exposure are found to be mesothelioma, an additional amount of two hundred percent of the state’s average weekly wage for one hundred fifty weeks shall be paid by the employer; and”; and

Further amend said bill, Section 287.213, Pages 18-19, Lines 1-45, by deleting all of said Section from the bill; and

Further amend said bill, Section 287.220, Page 19, Lines 12-15, by deleting all of said Lines and inserting in lieu thereof the following:

“2. All cases of permanent disability where there has been previous disability due to injuries occurring prior to the effective date of this section shall be compensated as [herein] provided in this subsection. Compensation shall be computed on the basis of the average earnings at the time of ”; and

Further amend said section, Page 21, Line 73, by inserting **“or conditions”** after **“injuries”**; and

Further amend said bill, Section 287.610, Pages 24-26, Lines 1-77, by deleting all of said Section from the bill; and

Further amend said bill, Section 287.690, Page 27, Lines 18-19, by deleting all of said Lines and inserting in lieu thereof the following:

“estimated to be on hand on December thirty-first of the year each tax rate determination is made is less than one hundred ten percent of the”; and

Further amend said section and page, Line 21, by deleting **“division”**; and

Further amend said bill, Section 287.715, Pages 29-30, Lines 55-71, by deleting all of said Lines and inserting in lieu thereof the following:

“6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to 2020. All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, 2020.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 24, Section 287.220, Line 192, by inserting after all of said section and line, the following:

“287.280. 1. Every employer subject to the provisions of this chapter shall, on either an individual or

group basis, insure his **or her** entire liability [thereunder] **including workers' compensation and employer liability**, except as hereafter provided, with some insurance carrier authorized to insure such liability in this state, except that an employer or group of employers may themselves carry the whole or any part of the liability without insurance upon satisfying the division of their ability so to do. If an employer or group of employers have qualified to self-insure their liability under this chapter, the division of workers' compensation may, if it finds after a hearing that the employer or group of employers are willfully and intentionally violating the provisions of this chapter with intent to defraud their employees of their right to compensation, suspend or revoke the right of the employer or group of employers to self-insure their liability. If the employer or group of employers fail to comply with this section, an injured employee or his dependents may elect after the injury either to bring an action against such employer or group of employers to recover damages for personal injury or death and it shall not be a defense that the injury or death was caused by the negligence of a fellow servant, or that the employee had assumed the risk of the injury or death, or that the injury or death was caused to any degree by the negligence of the employee; or to recover under this chapter with the compensation payments commuted and immediately payable; or, if the employee elects to do so, he or she may file a request with the division for payment to be made for medical expenses out of the second injury fund as provided in subsection 5 of section 287.220. If the employer or group of employers are carrying their own insurance, on the application of any person entitled to compensation and on proof of default in the payment of any installment, the division shall require the employer or group of employers to furnish security for the payment of the compensation, and if not given, all other compensation shall be commuted and become immediately payable; provided, that employers engaged in the mining business shall be required to insure only their liability hereunder to the extent of the equivalent of the maximum liability under this chapter for ten deaths in any one accident, but the employer or group of employers may carry their own risk for any excess liability. When a group of employers enter into an agreement to pool their liabilities under this chapter, individual members will not be required to qualify as individual self-insurers.

2. Groups of employers qualified to insure their liability pursuant to chapter 537 or this chapter, shall utilize a uniform experience rating plan promulgated by an approved advisory organization. Such groups shall develop experience ratings for their members based on the plan. Nothing in this section shall relieve an employer from remitting, without any charge to the employer, the employer's claims history to an approved advisory organization.

3. For every entity qualified to group self-insure their liability pursuant to this chapter or chapter 537, each entity shall not authorize total discounts for any individual member exceeding twenty-five percent beginning January 1, 1999. All discounts shall be based on objective quantitative factors and applied uniformly to all trust members.

4. Any group of employers that have qualified to self-insure their liability pursuant to this chapter shall file with the division premium rates, based on pure premium rate data, adjusted for loss development and loss trending as filed by the advisory organization with the department of insurance, financial institutions and professional registration pursuant to section 287.975, plus any estimated expenses and other factors or based on average rate classifications calculated by the department of insurance, financial institutions and professional registration as taken from the premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. The rate is inadequate if funds equal to the full ultimate cost of anticipated losses and loss adjustment expenses are not produced when the prospective loss costs are applied to anticipated payrolls. The provisions of this subsection shall

not apply to those political subdivisions of this state that have qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 on an assessment plan. Any such group may file with the division a composite rate for all coverages provided under that section.

5. Any finding or determination made by the division under this section may be reviewed as provided in sections 287.470 and 287.480.

6. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

7. Any records submitted pursuant to this section, and pursuant to any rule promulgated by the division pursuant to this section, shall be considered confidential and not subject to chapter 610. Any party to a workers' compensation case involving the party that submitted the records shall be able to subpoena the records for use in a workers' compensation case, if the information is otherwise relevant."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Section 287.020, Page 2, Line 14, by inserting after the word "subagencies." the following:

"The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization."; and

Further amend said bill, Page 8, Section 287.140, Lines 48 to 51, by deleting all of said lines and inserting in lieu thereof the following:

"(1) Two years from the date the notice of dispute of the medical charge was received by the health care provider if such services were rendered before July 1, 2013; and

(2) One year from the date the notice of dispute of the medical charge was received by the health care provider if such services were rendered on or after July 1, 2013."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 4-5, Section 287.067, Lines 1-45, by deleting all of said section and lines from the bill and insert in lieu thereof the following:

"287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is

defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. “Loss of hearing due to industrial noise” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. “Harmful noise” means sound capable of producing occupational deafness.

5. “Radiation disability” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid peace officers of a police department who are certified under chapter 590** if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 5, Section 287.067, Line 36, by inserting after the word “department” on said line, the following:

“or paid peace officers of a police department who are certified under chapter 590”; and

Further amend said bill, Page 24, Section 287.220, Line 192, by inserting after all of said section and line, the following:

“287.243. 1. This section shall be known and may be cited as the “Line of Duty Compensation Act”.

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

(4) “Firefighter”, any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(5) “Killed in the line of duty”, when [a person defined in this section] **any law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter** loses [one’s] **his or her** life as a result of an injury received in the active performance of [his or her duties within the ordinary scope of] **duties in** his or her respective profession [while the individual is on duty and but for the individual’s performance, death would have not occurred], **if the death occurs as a natural and probable consequence of the injury or disease caused by the accident or violence of another within three hundred weeks from the date the injury was received and if that injury arose from violence of another or accidental cause subject to the provisions of this subdivision.** The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, **paramedic**, or firefighter. The division of workers’ compensation shall have the burden of proving such willful misconduct or intoxication. **For law enforcement officers, emergency medical technicians, air ambulance pilots, air ambulance registered professional nurses, paramedics, and firefighters, the term shall include the death caused as a result of a willful act of violence committed by a person other than the officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, and a relationship exists between the commission of such act and the individual’s performance of his or her duties as a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, regardless of whether the injury is received while the individual is on duty; or the injury is received by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the injury is received while the individual is on duty as a law enforcement officer; or the injury is received by the individual while traveling to or from his or her employment or during any meal break, or other break, which takes place during the period in which the law enforcement officer, air ambulance pilot, air ambulance registered**

professional nurse, emergency medical technician, paramedic, or firefighter, is on duty;

(6) “Law enforcement officer”, any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person’s life;

(7) “Local governmental entity”, includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(8) “State”, the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(9) “Volunteer firefighter”, a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with the division of workers’ compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers’ compensation shall make an investigation for substantiation of matters set forth in the application.

5. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

6. Neither employers nor workers’ compensation insurers shall have subrogation rights against any

compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

7. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

9. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

10. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Section 287.955, Pages 30-31, Lines 1-26, by deleting all of said Lines and inserting in lieu thereof the following:

"287.955. 1. Every workers' compensation insurer shall adhere to a uniform classification system and

uniform experience rating plan filed with the director by the advisory organization designated by the director and subject to his disapproval. **Every workers compensation insurer shall report its workers compensation experience in accordance with the statistical plans and other reporting requirements in use by an advisory organization designated by the director.** An insurer may develop subclassifications of the uniform classification system [upon which a rate may be made], except that such subclassifications shall be filed with the director thirty days prior to their use. **A workers compensation insurer may develop other rating plans which reflect additional risk characteristics, and such rating plans and their filing shall be filed with the director thirty days prior to their use.** The director shall disapprove subclassifications, **rating plans, or other variations from manual rules filed by an insurer** if the insurer fails to demonstrate that the data thereby produced can be reported consistent with the uniform statistical plan, [and] classification system, **and experience rating systems and is in such a fashion so as to allow for the application of experience rating filed by the advisory organization.**

2. The director shall designate an advisory organization to assist him in gathering, compiling and reporting relevant statistical information. Every workers' compensation insurer shall record and report its workers' compensation experience to the designated advisory organization as set forth in the uniform statistical plan approved by the director.

3. The designated advisory organization shall develop and file manual rules, subject to the approval of the director, reasonably related to the recording and reporting of data pursuant to the uniform statistical plan, uniform experience rating plan, and the uniform classification system. Every workers' compensation insurer shall adhere to the approved manual rules and experience rating plan in writing and reporting its business. No insurer shall agree with any other insurer or with the advisory organization to adhere to manual rules which are not reasonably related to the recording and reporting of data pursuant to the uniform classification system of the uniform statistical plan.”; and

Further amend said bill, Section 287.957, Page 31, Lines 3-8, by deleting all of said Lines and inserting in lieu thereof the following:

“differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective”; and

Further amend said Section and Page, Line 15, by deleting all of said Line and inserting in lieu thereof the following:

“exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan** and the employer pays all of the total medical costs and there is no”; and

Further amend said section and page, Line 18, by inserting the following after all of said line:

“287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the

employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999.

4. For purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, Page 24, Section 287.220, Line 169, by deleting the phrase “**elects to pursue compensation**” and insert in lieu thereof the following:

“**files a claim for compensation**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Rupp moved that the Senate refuse to concur in **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HBs 404** and **614**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was

referred **HCS** for **HB 1035**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 196**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 253**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HCS** for **HB 351**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Joint Resolution and Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HJR 26**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 653**—Jobs, Economic Development and Local Government.

HB 421—Financial and Governmental Organizations and Elections.

HCS for **HB 986**—Veterans' Affairs and Health.

HCS for **HB 675**—Education.

HCS for **HB 285**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 859**—General Laws.

REFERRALS

President Pro Tem Dempsey referred **HB 253** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaefer.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 17**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2013 and ending June 30, 2015.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 18**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 19**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILLS DELIVERED TO THE GOVERNOR

SB 16; SB 59; SB 60; SB 80; SCS for SB 191; SB 234; SB 235; SB 237; SCS for SB 287; SB 306; SCS for SB 324; SB 329; and SCS for SB 376, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Nasheed introduced to the Senate, Brittany Campbell, St. Louis; and Hannah Young, Maryville.

Senator Dempsey introduced to the Senate, Mark and Eric Norwine, St. Charles.

Senator Kehoe introduced to the Senate, Cheryl and Kristina Johnson, Omaha, Nebraska.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. David Barbe, Mountain

Grove.

Senator Emery introduced to the Senate, Clayson Lyons and twenty-six students from Rich Hill Youth Development Center.

Senator Wasson introduced to the Senate, Coaches Rory Henry, Deidre Parks and Jeff Cope and members of the Class 1A, District 5, State Champion Walnut Grove High School girls basketball team: Megan Shuler, Madisyn Freeze, Lexi Harman, Shelby Harman, Carrigan Comstock, Miranda Allison, Karsyn Hejna, Heather Harman, Ellen Hayter and Audree Crain.

Senator Kraus introduced to the Senate, sixty-nine fourth grade students from James Walker Elementary, Blue Springs.

On motion of Senator Schaefer, the Senate adjourned until 1:30 p.m., Monday, May 6, 2013.

SENATE CALENDAR

SIXTY-SECOND DAY—MONDAY, MAY 6, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HB 210
HCS for HB 630
HCS for HB 371

HCS for HB 17
HB 18-Stream
HCS for HB 19

THIRD READING OF SENATE BILLS

SCS for SB 378-Pearce (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager)
(In Fiscal Oversight)

2. HCS for HB 194 (Parson)
(In Fiscal Oversight)

- | | |
|--|--|
| 3. HCS for HB 656 (Nasheed) | 10. HB 274-Brattin, et al, with SCS (Brown)
(In Fiscal Oversight) |
| 4. HB 316-Phillips, et al (Sater)
(In Fiscal Oversight) | 11. HCS for HB 168 (Kraus)
(In Fiscal Oversight) |
| 5. HCS for HBs 446 & 211 (Cunningham) | 12. HCS for HBs 404 & 614, with SCS (Kehoe) |
| 6. HB 478-Wieland, et al (Romine) | 13. HCS for HB 1035, with SCS |
| 7. HCS for HBs 374 & 434, with SCS
(Dixon) | 14. HB 196-Lauer, et al, with SCS (Romine) |
| 8. HCS for HB 215, with SCS (Dixon)
(In Fiscal Oversight) | 15. HB 253-Berry, et al (Schmitt)
(In Fiscal Oversight) |
| 9. HB 400-Riddle, et al (Wallingford) | 16. HCS for HB 351, with SCS (Brown) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe

SS for SCS for SB 437-Pearce

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 3-Rupp, with SA 1 (pending) | SB 250-Schaaf, with SCS |
| SB 13-Schaefer, with SCS | SB 259-Schaaf, with SCS |
| SB 21-Dixon | SB 272-Nieves, with SA 2 (pending) |
| SB 22-Dixon | SB 285-Romine |
| SB 30-Brown, with SCS | SB 291-Rupp |
| SB 48-Lamping | SB 292-Rupp |
| SB 53-Lamping | SB 308-Schaaf |
| SB 61-Keaveny, with SCA 1 (pending) | SB 315-Pearce |
| SB 65-Dixon, with SCS | SB 325-Nieves |
| SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending) | SB 339-Romine |
| SB 82-Schaefer, with SCS | SB 343-Parson |
| SB 109-Brown, with SCS | SB 364-Parson |
| SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending) | SB 371-Munzlinger, with SCS |
| SB 141-Dempsey | SB 377-Dixon |
| SB 167-Sater and Wallingford, with SCS | SB 383-Wallingford |
| SB 174-Parson, with SCS | SB 396-Holsman and Chappelle-Nadal, with
SCS |
| SB 175-Wallingford | SB 403-Rupp, with SCS |
| SB 207-Kehoe, et al, with SCS | SB 410-Kehoe |
| SB 210-Lamping and Nieves, with SCS | SB 419-Lager, with SCS |
| SB 231-Munzlinger, with SA 1 (pending) | SB 423-Nasheed |
| SB 239-Emery, with SCS & SA 2 (pending) | SB 441-Dempsey |
| | SB 448-Schmitt and Keaveny |

SB 455-Nieves, with SCS

SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)

HB 55-Flanigan and Allen, with SCS
(Schaefer)

HB 112-Burlison, with SA 2 (pending)
(Brown)

HB 184-Cox, et al (Parson)

HCS for HB 199 (Lamping)

HB 346-Molendorp (Wasson)

HB 432-Funderburk, et al, with SCS &
SA 1 (pending) (Lager)

HCS for HB 457, with SCS (Rupp)

SS for SCS for HB 542 (Munzlinger)
(In Fiscal Oversight)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 23-Parson, with HCS, as amended

HCS for HB 1, with SCS (Schaefer)

HCS for HB 2, with SCS (Schaefer)

HCS for HB 3, with SCS (Schaefer)

HCS for HB 4, with SCS (Schaefer)

HCS for HB 5, with SCS (Schaefer)

HCS for HB 6, with SCS, as amended
(Schaefer)

HCS for HB 7, with SCS, as amended (Schaefer)

HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)

HCS for HB 10, with SCS (Schaefer)

HCS for HB 11, with SCS, as amended
(Schaefer)

HCS for HB 12, with SCS (Schaefer)

HCS for HB 13, with SCS (Schaefer)

HCS for HJR 11 & 7, with SS, as amended
(Parson)

Requests to Recede or Grant Conference

SS#2 for SCS for SB 1-Rupp, with HCS,
as amended

(Senate requests House
recede or grant conference)

SS for SB 34-Cunningham, with HCS,
as amended

(Senate requests House
recede or grant conference)

SCS for SB 106-Brown, with HA 1,

HA 2, HA 3, HA 4, as amended & HA 5
(Senate requests House recede
or grant conference)

SCS for SB 117-Kraus, with HCS,
as amended

(Senate requests House
recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY—MONDAY, MAY 6, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 210—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 17—Appropriations.

HB 18—Appropriations.

HCS for HB 19—Appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 331** and has taken up and passed **SS** for **HB 331**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 555**, entitled:

An Act to repeal sections 302.020 and 302.132, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles or motortricycles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 781**, entitled:

An Act to repeal sections 208.895 and 660.315, RSMo, and to enact in lieu thereof three new sections

relating to MO HealthNet-funded home- and community-based care.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 936**, entitled:

An Act to amend chapters 188 and 335, RSMo, by adding thereto two new sections relating to the provision of health care services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 427**, entitled:

An Act to repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to rental of machinery and equipment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 430**, entitled:

An Act to repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof two new sections relating to employer paid medical costs in the experience rating plan of workers' compensation insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 513**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to the protection of parental rights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 336**, entitled:

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

Reverend Carl Gauck offered the following prayer:

“Morning by morning he wakens - wakens my ear to listen as those who are taught.” (Isaiah 50:4b)

As we begin a new week we are clear that we have just two weeks left and the pressure increases and there is much to accomplish. We pray that we may hear Your word and listen to what You teach so we may be lifted up and energized and our efforts may be more effective and we are seen as those who care and truly know what it is that is expected of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 2, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 891, regarding William C. Doggett, which was adopted.

Senator Romine offered Senate Resolution No. 892, regarding Karen Lee White, which was adopted.

Senator Romine offered Senate Resolution No. 893, regarding Gary L. Rawson, which was adopted.

Senator Romine offered Senate Resolution No. 894, regarding Sandra Louise Copeland, which was adopted.

Senator Romine offered Senate Resolution No. 895, regarding Keith Michael Huck, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 896, regarding Donna (Pitt) Owens, Lesterville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 897, regarding MFA Incorporated, which was adopted.

Senator Romine offered Senate Resolution No. 898, regarding Deborah G. Rauhut, which was adopted.

Senator Romine offered Senate Resolution No. 899, regarding Mary Ellen Peterson, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 900, regarding David Keith Weatherly, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 901, regarding Bonnie Louise Barron, Desloge, which was adopted.

Senator Romine offered Senate Resolution No. 902, regarding Betty D. Skaggs, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 903, regarding Richard Whaley, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 904, regarding Gwendolyn Kay Wampler, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 905, regarding Joy Warwick, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 906, regarding Kimberly Marx, De Soto, which was adopted.

Senator Richard offered Senate Resolution No. 907, regarding Andrew “Keegan” Tinney, Joplin, which was adopted.

Senator Lager offered Senate Resolution No. 908, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Fred Schiever, Ravenwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 909, regarding Max Jaksetic, St. Louis, which was adopted.

Senator Dixon offered Senate Resolution No. 910, regarding Habitat for Humanity’s RV Care-A-Vanners, which was adopted.

Senator Walsh offered Senate Resolution No. 911, regarding Bradley L. DiMariano, which was adopted.

Senator Munzlinger offered Senate Resolution No. 912, regarding Heartland Resources, Inc. Foster Grandparent Program, which was adopted.

Senator Cunningham offered Senate Resolution No. 913, regarding Hannah Morton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 194** and **HB 316**, begs leave to report that it has considered the same and recommends

that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 210**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 210**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210**

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the common core state standards initiative, with an emergency clause.

Was taken up.

Senator Lamping moved that **SCS** for **SB 210** be adopted.

Senator Lamping offered **SS** for **SCS** for **SB 210**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210**

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the common core state standards initiative, with an emergency clause.

Senator Lamping moved that **SS** for **SCS** for **SB 210** be adopted.

Senator Lamping offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 13 of said page, by striking the word “For”; and further amend lines 14-16 of said page, by striking all of said lines; and

Further amend said section, page 2, line 1 of said page, by striking all of said line and inserting in lieu thereof the following: “**The department of elementary and secondary education shall publish a notice on its internet website at least two weeks prior to each of the public hearings and post such notice at the location of each public hearing. At such time, the department shall also notify each district of the public hearing that shall take place in the congressional district in which the district is located. Within seventy-two hours of receiving the department’s notification, each district shall notify parents, in a manner in which it chooses, of the public hearing that shall take place in the congressional district in which the district is located.**”.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Lamping offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 13 of said page, by inserting after “hearing.” the following: “**As an alternative, the commissioner of education may designate an employee of the department of elementary and secondary education to attend the public hearings in his or her place.**”.

Senator Lamping moved that the above amendment be adopted.

Senator Kraus offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 5 of said amendment, by striking the word “the” and inserting in lieu thereof the words “**four of the eight**”.

Senator Kraus moved that the above amendment be adopted.

At the request of Senator Kraus, **SA 1 to SA 2** was withdrawn.

SA 2 was again taken up.

At the request of Senator Lamping, the above amendment was withdrawn.

Senator Lamping offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 13, by inserting after “hearing.” the following: “**The commissioner of education shall be excused from attending a public hearing only for extenuating circumstances.**”.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 3, Section 161.855, Line 8, by inserting after all of said line the following:

“Section 1. 1. There is hereby established a joint interim committee of the general assembly to function during the legislative interim between the first and second regular sessions of the ninety-seventh general assembly to examine the current elementary and secondary education foundation formula.

2. The joint interim committee shall do the following:

- (1) Study the impact of cuts to the foundation formula on hold harmless school districts;**
- (2) Study how other states fund elementary and secondary education and how they have addressed elementary and secondary education budgets during difficult fiscal times; and**
- (3) Identify ways in which the foundation formula might be improved.**

3. The joint interim committee shall report its recommendations to the president pro tempore of the senate and the speaker of the house of representatives by January 8, 2014.

4. The joint interim committee shall be composed of ten members, three majority party members, and two minority party members of the senate, to be appointed by the president pro tempore of the senate, and three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives.

5. The joint interim committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the joint interim committee deems relevant, political subdivisions of this state, and the general public.

6. The staffs of senate appropriations, senate research, house appropriations, house research, the joint committee on education and the committee on legislative research shall provide such legal, research, clerical, technical, and bill drafting services as the joint interim committee may require in the performance of its duties.

7. The actual and necessary expenses of the joint interim committee, its members, and any staff assigned to the joint interim committee incurred by the joint interim committee shall be paid by the joint contingent fund.

8. The provisions of this section shall terminate on January 8, 2014.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Pearce offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 3, Section 161.855, Line 8 of said page, by inserting after all of said line the following:

“162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited [for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to section 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education], **the state board of education shall:**

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. [Prior to or] **If** at the time any school district in this state shall [lapse, but after the school district has been] **be** classified as unaccredited, the department of elementary and secondary education shall conduct [a] **at least two public [hearing] hearings** at a location in the unaccredited school district **regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may**

request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. [The purpose of the hearing shall be to:

- (1) Review any plan by the district to return to accredited status; or
- (2) Offer any technical assistance that can be provided to the district.

3. Except as otherwise provided in section 162.1100, in a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and in any other school district if the local board of education does not anticipate a return to accredited status, the state board of education may appoint a special administrative board to supervise the financial operations, maintain and preserve the financial assets or, if warranted, continue operation of the educational programs within the district or what provisions might otherwise be made in the best interest of the education of the children of the district. The special administrative board shall consist of two persons who are residents of the school district, who shall serve without compensation, and a professional administrator, who shall chair the board and shall be compensated, as determined by the state board of education, in whole or in part with funds from the district.

4.] **3. Upon [lapse of the district] classification of a district as unaccredited,** the state board of education may:

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of the unaccredited district and:

(a) Appoint a special administrative board, [if such a board has not already been appointed, and authorize the special administrative board to retain the authority granted to a board of education] for the operation of all or part of the district. The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. Any special administrative board appointed under this section shall be responsible for the operation of the district until such time that the district is classified by the state board of education as provisionally accredited for two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

[(2)] (b) Determine an alternative governing structure for the district including, at a minimum:

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated timeline for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of

governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

[(3)] (d) Establish one or more school districts within the territory of the lapsed district, with a governance structure [consistent with the laws applicable to districts of a similar size] **specified by the state board of education**, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date. [The special administrative board may retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse.]

[5.] **4. A special administrative board appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district.** The authority of the special administrative board shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the special administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. **Neither the special administrative board nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees, shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, the special administrative board, its members or employees. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board, its members and employees.**

[6. Upon recommendation of the special administrative board, the state board of education may assign the funds, assets and liabilities of the lapsed district to another district or districts. Upon assignment, all authority of the special administrative board shall transfer to the assigned districts.

7.] **5. Neither the special administrative board nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.**

[8.] **6. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.**

[9. (1) The governing body of a school district, upon an initial declaration by the state board of education that such district is provisionally accredited, may, and, upon an initial declaration by the state board of education that such district is unaccredited, shall develop a plan to be submitted to the voters of the school district to divide the school district if the district cannot attain accreditation within three years

of the initial declaration that such district is unaccredited. In the case of such a district being declared unaccredited, such plan shall be presented to the voters of the district before the district lapses. In the case of such a district being declared provisionally accredited, such plan may be presented before the close of the current accreditation cycle.

(2) The plan may provide that the school district shall remain intact for the purposes of assessing, collecting and distributing taxes for support of the schools, and the governing body of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis if the district selects this option.

(3) The makeup of the new districts shall be racially balanced as far as the proportions of students allow.

(4) If a majority of the district's voters approve the plan, the state board of education shall cooperate with the local board of education to implement the plan, which may include use of the provisions of this section to provide an orderly transition to new school districts and achievement of accredited status for such districts.

10.] **7.** In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

162.083. 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

4. [If the state board of education appoints a successor member to replace the chair of the special administrative board, the serving members of the special administrative board shall be authorized to appoint a superintendent of schools and contract for his or her services.

5.] On a date set by the state board of education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a school district as otherwise authorized by law.

162.1300. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a school district receives additional students as a result of such change, the statewide assessment scores and all other performance data for those students whom the district received shall not be used for three years when

calculating the performance of the receiving district for three school years for purposes of the Missouri school improvement program.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Lamping moved that **SS for SCS for SB 210**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SS for SCS for SB 210**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for HB 194, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for job creation for new home purchasers.

Was taken up by Senator Parson.

At the request of Senator Parson, **HCS for HB 194**, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1 to HB 68** and has taken up and passed **HB 68**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HBs 303 and 304** and has taken up and passed **SCS for HBs 303 and 304**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS No. 2 for HB 698** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Schmitt moved that the Senate refuse to recede from its position on **SCS for HCS No. 2 for HB 698**, as amended, and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2 for HB 34** and has taken up and passed **SS No. 2 for HB 34**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS for HB 498** and has taken up and passed **SCS for HB 498**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 233** and has taken up and passed **SCS** for **HCS** for **HB 233**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 329** and has taken up and passed **SCS** for **HB 329**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 159**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3**, **HA 1** to **HA 4**, **HA 4**, as amended, and **HA 5** to **SCS** for **SB 106** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 117**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 106**, as amended: Senators Brown, Pearce, Kraus, Sifton and Holsman.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 117**, as amended: Senators Kraus, Brown, Pearce, Justus and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS No. 2** for **HB 698**, as amended: Senators Schmitt, Richard, Kraus, Justus and McKenna.

On motion of Senator Richard, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

On motion of Senator Richard, the Senate recessed for 15 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 262**, entitled:

An Act to repeal sections 334.108, 354.410, 354.415, 354.430, 354.603, 376.405, 376.426, 376.777, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, and 376.1363, RSMo, and to enact in lieu thereof twenty-two new sections relating to health insurance, with penalty provisions and an effective date.

With House Amendment Nos. 1, 2, 3 and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, and House Amendment Nos. 6 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 2, Section 334.108, Line 26, by inserting after all of said section and line the following:

“338.321. 1. The “Missouri Oral Chemotherapy Parity Interim Committee” is hereby created to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee shall consider information on the costs or actuarial analysis associated with the delivery of patient oncology treatments. The conclusions of this study shall satisfy any statutorily required actuarial analysis.

2. The Missouri oral chemotherapy parity interim committee shall consist of the following members:

- (1) Two members of the senate, appointed by the president pro tempore of the senate;**
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;**
- (3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under chapter 334;**
- (4) One member who is an oncology nurse licensed in this state under chapter 335;**
- (5) One member who is a representative of a Missouri pharmacy benefit management company;**
- (6) One member from an organization representing licensed pharmacists in this state;**
- (7) One member from the business community representing businesses on health insurance issues;**
- (8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;**
- (9) One patient advocate;**
- (10) One member from the organization representing a majority of hospitals in this state;**
- (11) One member from a health carrier as such term is defined under section 376.1350;**
- (12) One member from the organization representing a majority of health carriers in this state, as such term is defined under section 376.1350; and**
- (13) One member from the Leukemia and Lymphoma Society.**

3. All members, except for the members from the general assembly, shall be appointed by the

governor no later than September 1, 2013. The department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. No later than January 1, 2014, the committee shall submit a report to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committee of the general assembly regarding the results of the study and any legislative recommendations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 38, Section 376.1900, Line 3, by deleting the word “**website**” and inserting in lieu thereof the phrase “**web-based or similar electronic-based communications network**”; and

Further amend said bill and section, Page 39, Line 56, by inserting after all of said section and line the following:

“376.2000. 1. Sections 376.2000 to 376.2014 shall be known and may be cited as the “Health Insurance Marketplace Innovation Act of 2013”.

2. As used in sections 376.2000 to 376.2014, the following terms mean:

(1) “Department”, the department of insurance, financial institutions and professional registration;

(2) “Director”, the director of the department of insurance, financial institutions and professional registration;

(3) “Exchange”, any health benefit exchange established or operating in this state, including any exchange established or operated by the United States Department of Health and Human Services.

(4) “Navigator”, a person that, for compensation, provides information or services in connection with eligibility, enrollment, or program specifications of any health benefit exchange operating in this state, including any person that is selected to perform the activities and duties identified in 42 U.S.C. 18031(i) in this state, any person who receives funds from the United States Department of Health and Human Services to perform any of the activities and duties identified in 42 U.S.C. 18031(i), or any other person certified by the United states Department of Health and Human Services, or a health benefit exchange operating in this state, to perform such defined or related duties irrespective of whether such person is identified as a navigator, certified application counselor, in-person assister, or other title.

376.2002. 1. No individual or entity shall perform, offer to perform, or advertise any service as a navigator in this state, or receive navigator funding from the state or an exchange unless licensed as a navigator by the department under sections 376.2000 to 376.2014.

2. A navigator may:

(1) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in this state, including information about the costs of coverage, advance payments of premium tax credits, and cost sharing reductions;

(2) Facilitate the selection of a qualified health plan;

(3) Initiate the enrollment process;

(4) Provide referrals to any applicable office of health insurance consumer assistance, ombudsman, or other agency for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or determination under the plan; and

(5) Use culturally and linguistically appropriate language to communicate the information authorized in this subsection.

3. Unless also properly licensed as an insurance producer in this state with authority for health under section 375.014, a navigator shall not:

(1) Sell, solicit, or negotiate health insurance;

(2) Engage in any activity that would require an insurance producer license;

(3) Provide advice concerning the benefits, terms, and features of a particular health plan or offer advice about which exchange health plan is better or worse for a particular individual or employer;

(4) Recommend or endorse a particular health plan or advise consumers about which health plan to choose; or

(5) Provide any information or services related to health benefit plans or other products not offered in the exchange.

4. The following entities or persons are exempt from the requirement to be licensed as a navigator:

(1) An entity or person licensed as an insurance producer in this state with authority for health under section 375.014;

(2) A law firm or licensed attorney in this state; and

(3) A “health care provider” as defined in section 376.1350 provided that:

(a) The health care provider does not receive any funds from the United States Department of Health and Human Services or a health exchange operating in this state to act as a navigator; and

(b) The activities or functions performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs.

However, nothing in this section shall prohibit a health care provider from voluntarily becoming licensed as a navigator.

376.2004. 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual’s knowledge and belief. Before approving the application, the director shall find that the individual:

(1) Is eighteen years of age or older;

(2) Resides in this state or maintains his or her principal place of business in the state;

(3) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;

(4) Has successfully passed the written examination prescribed by the director;

(5) When applicable, has the written consent of the director under 18 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;

(6) Has identified the entity with which he or she is affiliated and supervised; and

(7) Has paid the fees prescribed by the director.

2. An entity that acts as a navigator, supervises the activities of individual navigators, or receives funding to perform such activities shall obtain a navigator entity license. An entity applying for an entity navigator license shall make application on a form containing the information prescribed by the director.

3. The director may require any documents deemed necessary to verify the information contained in an application submitted in accordance with subsections 1 and 2 of this section.

4. Entities licensed as navigators shall, in a manner prescribed by the director, provide a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity and shall report any changes in employment or affiliation within twenty days of such change.

5. The director shall require that each navigator obtain a surety bond in an amount acceptable to the director or otherwise demonstrate a level of financial responsibility capable of protecting all persons against the wrongful acts, misrepresentations, errors, omissions, or negligence of the navigator. The director may ask for a copy of the bond or other evidence of financial responsibility at any time.

6. Prior to any exchange becoming operational in this state, the director shall prescribe initial training, continuing education, and written examination standards and requirements for navigators.

376.2006. 1. A navigator license shall be valid for two years.

2. A navigator may file an application for renewal of a license and pay the renewal fee as prescribed by the director. Any navigator who fails to timely file for license renewal shall be charged a late fee in an amount prescribed by the director.

3. Prior to the filing date for an application for renewal of a license, an individual licensee shall comply with any ongoing training and continuing education requirements established by the director. Such navigator shall file with the director, by a method prescribed by the director, proof of satisfactory certification of completion of the continuing education requirements. Any failure to fulfill the ongoing training and continuing education requirements shall result in the expiration of the license.

376.2008. Upon contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, a navigator shall advise the person to consult with a licensed insurance producer regarding coverage in the private market.

376.2010. 1. The director may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license or may levy a fine not to exceed one thousand dollars for each violation,

or any combination of actions, for any one or more of the causes listed in section 375.141, 375.936 or for other good cause. In the event that the action by the director is not to renew or to deny an application for a license, the director shall notify the applicant or licensee in writing and shall advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the nonrenewal or denial of the application for a navigator license shall be made under the provisions of chapter 621.

2. In addition to imposing the penalties authorized by subsection 1 of this section, the director may require that restitution be made to any person who has suffered financial injury because of a violation of this section.

3. The director shall have the power to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of this section.

4. The navigator license held by an entity may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied, with or without a suspension, revocation, or refusal to renew a license, if the director finds that an individual licensee's violation was known or should have been known by the employing or supervising entity and the violation was not reported to the director and no corrective action was undertaken on a timely basis.

376.2011. 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046.

2. If the director believes that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048.

3. A violation of sections 376.2000 to 376.2014 is a level two violation under section 374.049.

376.2012. 1. Each licensed navigator shall report to the director within thirty calendar days of the final disposition of the matter of any administrative action taken against him or her in another jurisdiction or by another governmental agency in this state. This report shall include a copy of the order, consent to order, or other relevant legal documents.

2. Within thirty days of the initial pretrial hearing date, a navigator shall report to the director any criminal prosecution of the navigator in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

3. An entity that acts as a navigator that terminates the employment, engagement, affiliation, or other relationship with an individual navigator shall notify the director within twenty days following the effective date of the termination, using a format prescribed by the director if the reason for termination is one of the reasons set forth in section 375.141 or 375.936 or if the entity has knowledge that the navigator was found by a court or governmental body to have engaged in any such activities.

Upon the written request of the director, the entity shall provide additional information, documents, records, or other data pertaining to the termination or activity of the individual.

376.2014. 1. The requirements of sections 379.930 to 379.952 and chapters 375, 376, 407 and any related rules shall apply to navigators. The activities and duties of a navigator shall be deemed to constitute transacting the business of insurance.

2. If any provision of sections 376.2000 to 376.2014 or its application to any person or circumstance is held invalid by a court of competent jurisdiction or by federal law, the invalidity does not affect other provisions or applications of sections 376.2000 to 376.2014 that can be given effect without the invalid provision or application. The provisions of sections 376.2000 to 376.2014 are severable, and the valid provisions or applications shall remain in full force and effect.

3. The director may promulgate rules and regulations to implement and administer the provisions of sections 376.2000 to 376.2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 376.2000 to 376.2014 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 376.2000 to 376.2014 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state.”; and

Further amend said bill and page, Section B, Line 1, by inserting after all of said section the following:

“Section C. Because of the need to ensure that navigators are adequately trained to provide essential health insurance information to the public, Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and Section 1 of Section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and Section 1 of Section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Pages 1 through 2, Section 334.108, Lines 1 through 26, by deleting said section from the bill; and

Further amend said bill, Page 37, Section 376.1575, Line 5, by deleting the word “or” and inserting in lieu thereof the word “and”; and

Further amend said bill and page, Section 376.1578, Line 1, by deleting the words “forty-eight hours” and inserting in lieu thereof the words “two working days”; and

Further amend said bill, section, and page, Lines 2 through 4, by deleting all of said lines and inserting in lieu thereof the following:

“completed application, the health carrier shall send an electronic notice of receipt to the practitioner.”; and

Further amend said bill, section, and page, Line 7, by deleting the word **“ninety”** and inserting in lieu thereof the word **“sixty”**; and

Further amend said bill, section, and page, Line 8, by deleting the words **“ninety-day”** and inserting in lieu thereof the words **“sixty-day”**; and

Further amend said bill, Page 38, Section 376.1900, Lines 22 through 24, by deleting all of said lines and inserting in lieu thereof the following:

“consultation or contact between a health care provider and a patient.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 3, Section 354.410, Line 33, by inserting after the semicolon on said line the word **“and”**; and

Further amend said bill, Page 10, Section 376.405, Lines 9 through 29, by deleting all of said lines and inserting in lieu thereof the following:

“filing and submission of such policy forms as are necessary, proper or advisable. Such rules and regulations shall provide, among other things, that if a policy form is disapproved, [the reasons therefor] all specific reasons for nonconformance shall be stated in writing within forty-five days from the date of filing; that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within [a stipulated time, not to exceed sixty] forty-five days from the date of filing, shall be deemed an approval thereof [until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof]. If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provision that is contrary to state law and any specific statute to which the provision is contrary and request that the health carrier file, within thirty days of the notification, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the deemed filing was previously issued and shall attach a copy of the amendment to the deemed filing when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy. Notwithstanding any provision of law to the contrary, when a policy form is approved or deemed approved and subsequently amended at the request of the director pursuant to this section, the health carrier issuing the policy form shall be considered to have committed a level one violation under section 374.049.”; and

Further amend said bill, Pages 24 through 25, Section 376.777, Lines 336 through 354, by deleting all of said lines and inserting in lieu thereof the following:

“therefor] **all specific reasons for nonconformance** shall be stated in writing **within forty-five days from the date of filing**; that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within [a stipulated time, not to exceed sixty] **forty-five** days from the date of filing, shall be deemed an approval thereof [until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof]. **If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provision that is contrary to state law and any specific statute to which the provision is contrary and request that the health carrier file, within thirty days of the notification, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the deemed filing was previously issued and shall attach a copy of the amendment to the deemed filing when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy. Notwithstanding any provision of law to the contrary, when a policy form is approved or deemed approved and subsequently amended at the request of the director pursuant to this section, the health carrier issuing the policy form shall be considered to have committed a level one violation under section 374.049.**”; and

Further amend said bill, Page 38, Section 376.1900, Line 5, by deleting the word “**HIPAA**” and inserting in lieu thereof the phrase “**federal Health Insurance Portability and Accountability Act (HIPAA)**”; and

Further amend said bill and section, Page 39, Line 42, by deleting the phrase “**care service;**” and inserting in lieu thereof the phrase “**care service;**”; and

Further amend said bill, Page 39, Section B, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“Section B. The enactment of sections 376.1226, 376.1237, 376.1575, 376.1578, and 376.1900 shall become effective January 1, 2014.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 262 Page 39, Line 56, by inserting after all of said line the following:

“Further amend said bill Page 1, Section A, Line 6, by inserting after all of said line the following:

“208.895. 1. Upon **the** receipt of a [properly completed] referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] or **a** physician’s order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] Process the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained

in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3)] Arrange for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] **(3)** Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; [and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days]

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. If the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract] has not complied with subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin no later than five business days after receipt of the assessment and care plan from the provider. The department shall [include a requirement that:

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor] notify the referring entity [within five days] **or individual** of receipt of referral if additional information is needed to process the referral. [The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.]

3. The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based **service** providers for including, but not limited to, reassessment and level of care recommendations. [These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.]

4. [The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective.**

5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) **"Assessment"** means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

(a) **Is conducted by an assessor trained to perform home- and community-based care assessments;**

(b) **Uses forms provided by the department;**

(c) **Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and**

(d) **Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process;**

(2) **A "referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:**

(a) **The stated need for MO HealthNet home- and community-based services;**

(b) **The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and**

(c) **The physical address and phone number of the client or person needing services.**

Additional information which may assist the department may also be submitted.

7. The department shall:

- (1) Develop an automated electronic assessment care plan tool to be used by providers; and**
- (2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.**

8. At the end of the first year of this plan being in effect, the department of health and senior services shall prepare a report for the appropriation committee for health, mental health and social services or a committee appointed by the speaker to review the following:

- (1) How well the department is doing on meeting the fifteen-day requirement;**
- (2) The process the department used to approve the assessors;**
- (3) Financial data on the cost of the program prior to and after enactment of this section;**
- (4) Any audit information available on assessments performed outside the department; and**
- (5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.**

208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010.

660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

- (1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;**
- (2) The person's name will be included in the employee disqualification list of the department;**
- (3) The consequences of being so listed including the length of time to be listed; and**
- (4) The person's rights and the procedure to challenge the allegation.**

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under chapter 197;
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
- (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], **if the employer terminated the employee because the employee:**

(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;

(2) Was placed on the employee disqualification list under this section after the date of hire;

(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;

(4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.

The benefits paid to the employee shall not be attributable to service in the employ of the employer required to discharge an employee under the provisions of this subdivision and shall be deemed as such under the unemployment compensation laws of this state.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.”; and; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 39, Section 376.1900, Line 56, by inserting after all of said section and line the following:

“452.317. From the date of filing of the petition for dissolution of marriage or legal separation, no party shall terminate coverage during the pendency of the proceeding for any other party or any minor child of the marriage under any existing policy of health, dental or vision insurance. The policyholder of such insurance may petition the court for reimbursement of insurance costs as they occur during the pendency of the dissolution of marriage or legal separation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 2, Section 334.108, Line 26, by inserting after all of said section and lines the following:

“337.114. 1. No physician shall perform or induce an abortion through telemedicine.

2. No abortion facility as defined in section 188.015 or hospital shall permit an abortion to be performed or induced at the abortion facility or hospital through telemedicine.

3. No health carrier or health benefit plan as defined in section 376.1350 shall be required to reimburse a physician, abortion facility, hospital or any other person or entity for an abortion

performed or induced through telemedicine.

4. Any physician, other health care provider, abortion facility or hospital who or which violated the provisions of this section shall be subject to all disciplinary or other administrative action by the appropriate state licensing board, agency, or department.

5. As used in this section, “telemedicine” means the delivery of health care services through the use of interactive audio, video, or other electronic media used for the purpose of diagnosis, consultation, or treatment, including home health video conferencing, electronic visits and remote patient monitoring.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 35, Section 376.1226, Line 15, by inserting after all of said section and line the following:

“376.1235. 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section were enacted. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house, the president pro tem of the senate, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SS** for **SB 34** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SS No. 2** for **SCS** for **SB 1** and grants the

Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **SB 106**, as amended. Representatives: Davis, Solon, and McKenna.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 117**, as amended. Representatives: Davis, Dohrman, and Webber.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 34**, as amended. Representatives: Fraker, Schatz, and McManus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended. Representatives: Richardson, Lant, and Webber.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 307** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 635**, entitled:

An Act to repeal section 217.345, RSMo, and to enact in lieu thereof one new section relating to correctional treatment programs for first offenders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 611**, entitled:

An Act to repeal sections 285.300, 288.100, and 288.380, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 771**, entitled:

An Act to repeal sections 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and to enact in lieu thereof seven new sections relating to commercial drivers' licenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended: Senators Rupp, Cunningham, Parson, Sifton and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 34**, as amended: Senators Cunningham, Rupp, Parson, McKenna and Walsh.

PRIVILEGED MOTIONS

Senator Curls moved that the Senate refuse to concur in **HCS** for **SS** for **SB 262**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 656**, entitled:

An Act to repeal section 82.485, RSMo, and to enact in lieu thereof one new section relating to powers of the supervisor of parking meters in certain cities.

Was taken up by Senator Nasheed.

On motion of Senator Nasheed, **HCS** for **HB 656** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 316, introduced by Representative Phillips, et al, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the division of tourism supplemental revenue fund.

Was taken up by Senator Sater.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 316, Page 1, In the Title, Lines 2-3, by striking the following: “the division of tourism supplemental revenue fund” and inserting in lieu thereof the following: “statutes with expiration dates”; and

Further amend said bill, page 3, section 620.467, line 66, by inserting after all of said line the following:

“[21.830. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Missouri’s Energy Future”, which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine Missouri’s present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty-five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2009,

at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.]

[21.910. 1. There is hereby created the “Joint Committee on the Reduction and Reorganization of Programs within State Government”. The committee shall be composed of thirteen members as follows:

(1) Three majority party members and two minority party members of the senate, to be appointed by the president pro tem of the senate;

(2) Three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives;

(3) The commissioner of the office of administration, or his or her designee;

(4) A representative of the governor’s office; and

(5) A supreme court judge, or his or her designee, as selected by the Missouri supreme court.

2. The committee shall study programs within every department that should be eliminated, reduced, or combined with another program or programs. As used in this section, the term “program” shall have the same meaning as in section 23.253.

3. In order to assist the committee with its responsibilities under this section, each department shall comply with any request for information made by the committee with regard to any programs administered by such department.

4. The members of the committee shall elect a chairperson and vice chairperson.

5. The committee shall submit a report to the general assembly by December 31, 2010, and such report shall contain any recommendations of the committee for eliminating, reducing, or combining any program with another program or programs in the same or a different department.

6. The provisions of this section shall expire on January 1, 2011.]

[301.129. There is established in this section an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for motor vehicle license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee may adopt more than one type of design and color scheme for license plates issued under this chapter; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter. The advisory committee shall consist of the director of revenue, the superintendent of the highway patrol, the correctional enterprises administrator, and the respective chairpersons of both the senate and house of representatives transportation committees. Notwithstanding section 226.200 to the contrary, the general assembly may appropriate state highways and transportation department funds for the requirements of section 301.130 and this section. Prior to January 1, 2007, the committee shall meet, select a chairman from among their members, and develop uniform design and license plate parameters for the motor vehicle license

plates issued under this chapter. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section out of funds appropriated for that purpose. The committee shall direct the director of revenue to implement its final design of the uniform motor vehicle license plates and any specific parameters for all license plates developed by the committee not later than January 1, 2007. The committee shall be dissolved upon completion of its duties under this section.]

[620.602. 1. There is established a permanent joint committee of the general assembly to be known as the “Joint Committee on Economic Development Policy and Planning” to be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house, appointed by the speaker of the house. No more than three members of the senate and three members of the house shall be from the same political party. The appointment of members shall continue during their terms of office as members of the general assembly or until successors have been duly appointed to fill their places when their terms of office as members of the general assembly have expired. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses for attending the meetings of the committee, to be paid out of the committee’s appropriations or the joint contingent fund.

2. The joint committee on economic development policy and planning shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. These positions shall rotate annually between a member of the senate and a member of the house of representatives. The committee shall regularly meet at least quarterly. A majority of the members of the committee shall constitute a quorum. The committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the committee’s appropriations or the joint contingent fund.

3. The joint committee on economic development policy and planning shall, at its regular meetings, confer with representatives from the governor’s office, the department of economic development, the University of Missouri extension service, and other interested parties from the private and public sectors. The joint committee shall review the annual report produced by the department of economic development, as required by section 620.607, and plan, develop and evaluate a long-term economic development policy for the state of Missouri to ensure the state’s competitive status with other states.

4. The provisions of this section shall expire on July 1, 2010.]

[630.461. 1. There is hereby created in the department of mental health a committee to be known as the “Review Committee for Purchasing” to review the manner in which the department of mental health purchases services for persons with mental health disorders and substance abuse problems. By December 31, 1995, the committee shall recommend to the governor and the general assembly any changes that should be made in the department of mental health purchasing systems, including whether the department should follow a competitive purchasing model and, if so, the time frame for initiating such change. The recommendation of the committee shall be made in the context

of state and national health care reform and with the goal of providing effective services in a coordinated and affordable manner.

2. The review committee on purchasing created in subsection 1 of this section shall be composed of nine members as follows:

- (1) One member of the mental health commission, appointed by the governor;
- (2) One representative of the office of administration, appointed by the governor;
- (3) The governor or his designee;
- (4) Two members appointed at large by the governor, with one member representing the business community and one public member;
- (5) Two members, appointed at large by the governor, with one member being a private provider and one member being affiliated with a hospital;
- (6) Two members, appointed at large by the governor, who are consumers of mental health services or family members of consumers of mental health services.

3. The review committee established in subsection 1 of this section shall be disbanded on January 1, 1996.

4. Notwithstanding any other provision of law to the contrary, beginning July 1, 1997, if the review committee failed to make the recommendations to the governor and the general assembly as required in subsection 1 of this section, the department of mental health may contract directly with vendors operated or funded pursuant to sections 205.975 to 205.990, or operated or funded pursuant to sections 205.968 to 205.973, without competitive bids. All contracts with vendors who are providers of a consortium of treatment services to the clients of the division of comprehensive psychiatric services shall be awarded in accordance with chapter 34.]”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Nieves offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 316, Page 1, In the Title, Line 2, by striking the word “the” from the end of said line; and further amend line 3, by striking all of said line and inserting in lieu thereof the following: “statutory expiration dates.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

- (1) By the state board, under rules and regulations prescribed by it:
 - (a) Upon the basis of college credit;
 - (b) Upon the basis of examination;
- (2) By the state board, under rules and regulations prescribed by the state board with advice from the

advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional

development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated

back to his or her original date of employment in a Missouri public school.

[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]"; and

Further amend the title and enacting clause accordingly.

Senator Nieves moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 2** is out of order as it goes beyond the subject matter of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Nieves, **SA 2** was withdrawn, rendering the point of order moot.

On motion of Senator Sater, **HB 316**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HBs 446** and **211**, entitled:

An Act to amend chapter 443, RSMo, by adding thereto one new section relating to real estate loans.

Was taken up by Senator Cunningham.

Senator Nasheed offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill Nos. 446 and 211, Page 1, Section 443.454, Line 1, by inserting after "443.454." the following "**1.**"; and further amend line 8, by inserting after all of said line the following:

“2. Notwithstanding subsection 1 of this section to the contrary, a local law or ordinance may add to, change, delay enforcement, or interfere with, any loan agreement, security instrument, mortgage, or deed of trust issued by a financial institution that has received state funds or received funds through the federal Troubled Asset Relief Program.”.

Senator Nasheed moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Walsh offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill Nos. 446 and 211, Page 1, Section 443.454, Line 1, by inserting immediately after “443.454.” the following: “**1.**”; and further amend line 8, by inserting immediately after said line the following:

“2. Subsection 1 of this section shall not apply to any local law or ordinance that provides for mediation procedures prior to foreclosure on a mortgage or deed of trust until a state law is enacted that establishes such procedures.”.

Senator Walsh moved that the above amendment be adopted, which motion failed.

On motion of Senator Cunningham, **HCS** for **HBs 446** and **211** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	Nasheed	Sifton	Walsh—7
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Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SS for **SCS** for **SB 210**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Schmitt moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 307**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 307**, as amended: Senators Schmitt, Dixon, Kehoe, McKenna and Holsman.

INTRODUCTIONS OF GUESTS

Senator Walsh introduced to the Senate, Brad DiMariano, St. Charles.

Senator Pearce introduced to the Senate, Alesia Hill, Jefferson City.

Senator Rupp introduced to the Senate, Madeline Heintz, St. Louis.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-THIRD DAY—TUESDAY, MAY 7, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HB 630

HCS for HB 371

HB 555-Burlison, et al

HCS for HB 781

HCS for HB 936

HB 427-Schatz

HCS for HB 430

HCS for HB 513

HB 336-Hinson, et al

HB 635-Fitzwater, et al

HCS for HB 611

HCS for HB 771

THIRD READING OF SENATE BILLS

SCS for SB 378-Pearce (In Fiscal Oversight)

SS for SCS for SB 210-Lamping

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager) (In Fiscal Oversight)

2. HB 478-Wieland, et al (Romine)

3. HCS for HBs 374 & 434, with SCS (Dixon)

4. HCS for HB 215, with SCS (Dixon)
(In Fiscal Oversight)

5. HB 400-Riddle, et al (Wallingford)

6. HB 274-Brattin, et al, with SCS
(Brown) (In Fiscal Oversight)

7. HCS for HB 168 (Kraus) (In Fiscal Oversight)

8. HCS for HBs 404 & 614, with SCS (Kehoe)

9. HCS for HB 1035, with SCS (Schmitt)

10. HB 196-Lauer, et al, with SCS (Romine)

11. HB 253-Berry, et al (Schmitt)
(In Fiscal Oversight)

12. HCS for HB 351, with SCS (Brown)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe

SS for SCS for SB 437-Pearce

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 30-Brown, with SCS

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending)

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford	SB 364-Parson
SB 207-Kehoe, et al, with SCS	SB 371-Munzlinger, with SCS
SB 231-Munzlinger, with SA 1 (pending)	SB 377-Dixon
SB 239-Emery, with SCS & SA 2 (pending)	SB 383-Wallingford
SB 250-Schaaf, with SCS	SB 396-Holsman and Chappelle-Nadal, with SCS
SB 259-Schaaf, with SCS	SB 403-Rupp, with SCS
SB 272-Nieves, with SA 2 (pending)	SB 410-Kehoe
SB 285-Romine	SB 419-Lager, with SCS
SB 291-Rupp	SB 423-Nasheed
SB 292-Rupp	SB 441-Dempsey
SB 308-Schaaf	SB 448-Schmitt and Keaveny
SB 315-Pearce	SB 455-Nieves, with SCS
SB 325-Nieves	SJR 2-Lager
SB 339-Romine	
SB 343-Parson	

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HB 346-Molendorp (Wasson)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HB 432-Funderburk, et al, with SCS & SA 1 (pending) (Lager)
HB 112-Burlison, with SA 2 (pending) (Brown)	HCS for HB 457, with SCS (Rupp)
HB 184-Cox, et al (Parson)	SS for SCS for HB 542 (Munzlinger) (In Fiscal Oversight)
HCS for HB 194 (Parson)	
HCS for HB 199 (Lamping)	

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS, as amended	SS for SB 34-Cunningham, with HCS, as amended
SB 23-Parson, with HCS, as amended	SCS for SB 106-Brown, with HA 1, HA 2, HA 3, HA 4, as amended & HA 5

SCS for SB 117-Kraus, with HCS,
as amended

HCS for HB 1, with SCS (Schaefer)

HCS for HB 2, with SCS (Schaefer)

HCS for HB 3, with SCS (Schaefer)

HCS for HB 4, with SCS (Schaefer)

HCS for HB 5, with SCS (Schaefer)

HCS for HB 6, with SCS, as amended
(Schaefer)

HCS for HB 7, with SCS, as amended
(Schaefer)

HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)

HCS for HB 10, with SCS (Schaefer)

HCS for HB 11, with SCS, as amended
(Schaefer)

HCS for HB 12, with SCS (Schaefer)

HCS for HB 13, with SCS (Schaefer)

HB 307-Riddle, et al, with SS for SCS,
as amended (Schmitt)

HCS#2 for HB 698, with SCS, as amended
(Schmitt)

HCS for HJRs 11 & 7, with SS, as amended
(Parson)

Requests to Recede or Grant Conference

SS for SB 262-Curls, with HCS, as amended
(Senate requests House
recede or grant conference)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY—TUESDAY, MAY 7, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“May God be gracious to us and bless us and make his face to shine upon us...” (Psalm 67:1)

Gracious God, we are truly a blessed and gifted body here, with many talents and skills to contribute to the well being and mental acuity of those we work with. Help us use these gifts to put forth the best effort and most effective bills we are capable of presenting so that our conscience is clear and we have nothing to be ashamed of when the day’s work is completed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Dempsey assumed the Chair.

RESOLUTIONS

Senator Emery offered Senate Resolution No. 914, regarding Juanita Peaslee, Centerview, which was adopted.

Senator Parson offered Senate Resolution No. 915, regarding Phillip Schnapp, which was adopted.

Senator Parson offered Senate Resolution No. 916, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Merton Fogler, El Dorado Springs, which was adopted.

Senator Romine offered Senate Resolution No. 917, regarding Jimmie Turner, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 918, regarding Dr. Beverly K. Schonhoff, Oakridge, which was adopted.

Senator Romine offered Senate Resolution No. 919, regarding Stacey L. Endebrock, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 920, regarding Señora Evelyn Camp, Manchester, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 274**, with **SCS** and **HB 253**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 58**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 409**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 339**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HBs 593** and **695**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 142**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HB 148**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HB 103**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HB 428**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 478, introduced by Representative Wieland, et al, entitled:

An Act to repeal sections 370.283 and 370.287, RSMo, and to enact in lieu thereof two new sections relating to credit unions.

Was taken up by Senator Romine.

On motion of Senator Romine, **HB 478** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Silvey—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

At the request of Senator Dixon, **HCS** for **HBs 374** and **434**, with **SCS**, was placed on the Informal Calendar.

HB 400, introduced by Representative Riddle, et al, entitled:

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to administration of abortion-inducing drugs.

Was taken up by Senator Wallingford.

Senator Wallingford offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 400, Page 1, Section 188.021, Line 2, by inserting after “abortion,” the following: “**the initial dose of**”; and further amend line 6, by striking “twelve to eighteen days”; and further amend line 8, by inserting immediately after the word “condition” the following: “**, unless such termination of the pregnancy has already been confirmed and the patient’s medical condition has been assessed by a licensed physician prior to discharge.**”.

Senator Wallingford moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

Photographers from ABC-17 were given permission to take pictures in the Senate Chamber.

At the request of Senator Wallingford, **HB 400**, with **SA 1** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 630—Jobs, Economic Development and Local Government.

HCS for HB 371—Judiciary and Civil and Criminal Jurisprudence.

HB 555—Transportation and Infrastructure.

HCS for HB 781—Veterans' Affairs and Health.

HCS for HB 936—Judiciary and Civil and Criminal Jurisprudence.

HB 427—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 430—Small Business, Insurance and Industry.

HCS for HB 513—General Laws.

HB 336—Jobs, Economic Development and Local Government.

HB 635—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 611—Small Business, Insurance and Industry.

HCS for HB 771—Transportation and Infrastructure.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS for HCS No. 2** for **HB 698**, as amended. Representatives: Jones (50), Zerr, and Kratky.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SS for SCS for HB 307**, as amended. Representatives: Stream, Flanigan, and Kirkton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **HCR 34**.

HOUSE CONCURRENT RESOLUTION NO. 34

WHEREAS, the National School Lunch Program was reauthorized in 2010 by the Healthy, Hunger-Free Kids Act; and

WHEREAS, since the policies of the Healthy, Hunger-Free Kids Act have gone into effect, children across the state are suffering from extreme hunger, headaches from lack of nutrition and food, and inadequate energy to participate in after-school athletic activities; and

WHEREAS, the extreme caloric and protein limits cannot be altered for any student, regardless of weight, nutritional needs, or participation in after-school athletic activities; and

WHEREAS, children in Kindergarten and children in the fifth grade receive the same amount of food and are restricted to the same number of calories under the new policies; and

WHEREAS, children in the sixth grade and children in the twelfth grade receive the same amount of food and are restricted to the same number of calories under the new policies; and

WHEREAS, students need nutritious, filling, and balanced meals in order to learn effectively; and

WHEREAS, students that are hungry from lack of adequate nutrition are more likely to make unhealthy snack choices; and

WHEREAS, children should be taught how to make positive nutritional choices and encouraged to exercise; and

WHEREAS, any program that purports to address the health needs of our children, but neglects to include any provisions regarding exercise and physical activity is inadequate; and

WHEREAS, while changes in the school lunch program are needed, the Healthy, Hunger-Free Kids Act is not an adequate solution:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress and the United States Department of Agriculture to reevaluate the Healthy, Hunger-Free Kids Act; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Secretary of the United States Department of Agriculture; the Majority and Minority Leaders of the United States Congress; and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS for HCR 17**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 17

WHEREAS, under federal Medicaid law, states are required to make disproportionate share hospital (DSH) payments to hospitals for providing health care to a vast number of low-income patients in an attempt to make up for financial losses by hospitals that do not receive payment for services rendered to uninsured patients and because Medicaid provider payment rates are far lower than those payments received by private insurance; and

WHEREAS, also under federal Medicaid law, the federal government reimburses states for a portion of the state's Medicaid DSH expenditures based on each state's federal medical assistance percentage and each state receives an annual DSH allotment; and

WHEREAS, Missouri hospitals reported providing \$1.1 billion in uncompensated care to Missourians in 2011; and

WHEREAS, under the Affordable Care Act (ACA) of 2010, states are mandated to expand Medicaid eligibility for persons with incomes up to 133% of the federal poverty level; however, in June 2012, the United States Supreme Court found such mandate impermissible and now allows each state to decide whether to implement such a Medicaid expansion; and

WHEREAS, under the ACA, under the assumption at the time the law passed that all states were to implement the Medicaid expansion, the federal government is required to reduce more than \$22 billion in DSH payments from 2014 to 2022; and

WHEREAS, it is estimated that Missouri will suffer cuts to both Medicaid and Medicare hospital payments in the amount of \$3.3 billion from 2013 to 2020 with DSH cuts in the amount generally of \$704 million from 2013 to 2019; and

WHEREAS, the federal cuts to DSH hospital payments are set to occur regardless of whether a state has elected to implement the Medicaid expansion under the ACA - a decision the United States Supreme Court found each state has a right to pursue; and

WHEREAS, Missouri hospitals have reported that it will be an "unsustainable situation for hospitals" to absorb more than \$1 billion annually in uncompensated care while facing \$3.3 billion in cuts:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government to continue to reimburse states for a portion of the state's Medicaid DSH expenditures based on each state's federal medical assistance percentage for those states that have chosen not to implement the Medicaid expansion; and

BE IT FURTHER RESOLVED that Governor Nixon work with the federal government to ensure that the reduction to such DSH payments

does not occur; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the federal Department of Health and Human Services, each member of the Missouri Congressional delegation, and Governor Jay Nixon.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 157** and **SB 102**, entitled:

An Act to repeal sections 407.300, 407.302, 407.303, and 407.485, RSMo, and to enact in lieu thereof four new sections relating to scrap metal, with penalty provisions.

With House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, and House Amendment No. 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Pages 3-5, Section 407.485, Lines 1-54, by deleting all of said section and lines from the bill and inserting in lieu thereof, the following:

“407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect [donations of] unwanted household items via a public receptacle and resell the [donated] **deposited** items for profit unless the [donation] **deposited item** receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “[DONATIONS] **DEPOSITED ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE**”.

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization’s name).”

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the nonprofit beneficiary organization’s name)”.

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high

and two inches wide stating: “THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)”.

[4.] **5.** The term “bold letters” as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

[5.] **6.** Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

[6.] **7.** Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

8. All donation receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. For any receptacles covered in this section, the owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or agent of the owner of the property where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed to in writing, the property owner or his or her agent may remove the receptacle and any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

9. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Page 2, Section 407.302, Line 3, by inserting after the phrase “**cable provider,**” on said line, the phrase “**wireless service or other communications-related provider,**”; and

Further amend said bill, Page 3, Section 407.302, Lines 6-7 and Line 10, by inserting after the phrase “**cable provider,**” on said lines, the phrase “**wireless service or other communications-related provider,**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Page 1, Section 407.292, Line 26, by inserting after the words **“legibly record”** the phrase **“and photograph”**; and

Further amend said amendment, Page 2, Line 5, by deleting the word **“five”** and inserting in lieu thereof the word **“fourteen”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

“407.292. 1. As used in this section, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(1) **“Business combination”, the same meaning as such term is defined in section 351.459;**

(2) **“Buyer of gold, silver, or platinum” or “buyer”, an individual, partnership, association, corporation, or business entity, who or which purchases gold, silver, or platinum from the general public for resale or refining, or an individual who acts as agent for the individual, partnership, association, corporation, or business entity for the purchases. The term does not include financial institutions licensed under federal or state banking laws, the purchaser of gold, silver, or platinum who purchases from a seller seeking a trade-in or allowance, and the purchaser of gold, silver, or platinum for his or her own use or ownership and not for resale or refining;**

(3) **“Gold”, items containing or being of gold including, but not limited to, jewelry. The term does not include coins, ingots, or bullion or articles containing less than five percent gold by weight;**

(4) **“Platinum”, items containing or being of platinum, but shall only include jewelry. The term does not include coins, ingots, bullion, or catalytic converters or articles containing less than five percent platinum by weight;**

(5) **“Silver”, items containing or being of silver including, but not limited to, jewelry. The term does not include coins, ingots, bullion, or photographic film or articles containing less than five percent silver by weight;**

(6) **“Weighing device”, shall only include a device that is inspected and approved by the weight and measures program within the department of agriculture.**

2. The buyer shall completely, accurately, and legibly record every transaction on a form provided by and prepared by the buyer. The record of every transaction shall include the following:

(1) **A copy of the driver’s license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;**

(2) **The name, current address, birth date, sex, and a photograph of the person from whom the material is obtained, if not included or are different from the identification required in subdivision**

(1) of this subsection;

(3) The seller shall be required to sign the form on which is recorded the information required by this section;

(4) An accurate description of the property purchased shall include all names, initials, serial numbers, or other identifying marks or monograms on each item purchased;

(5) The time and date of the transaction shall be recorded at the time of the transaction. Records of transactions shall be maintained by the buyer in gold, silver, or platinum for a period of one year and shall be available for inspection by any law enforcement official of the federal government, state, municipality, or county. No buyer shall accept any premelted gold, silver, or platinum, unless it is part of the design of an item of jewelry. Each item of gold, silver, or platinum purchased by a buyer in gold, silver, or platinum shall be retained in an unaltered condition for five full working days. It shall be the buyer's duty to inform law enforcement if the buyer has any reason to believe an item purchased may have been obtained illegally by a seller.

3. Records of buyer transactions may be made available to law enforcement officials, other governmental entities, and persons who, in the opinion of the custodian of the buyer transaction record, should be permitted access, such as an insurance company.

4. When a purchase is made from a minor, the written authority of the parent, guardian, or person in loco parentis authorizing the sale shall be attached and maintained with the record of transaction described in subsection 2 of this section (relating to records of transactions).

5. (1) When a weighing device is used to purchase gold, silver, or platinum, there shall be posted, on a conspicuous sign located close to the weighing device, a statement of prices for the gold, silver, or platinum being purchased as a result of the weight determination.

(2) The statement of prices shall include, but not be limited to, the following in terms of the price per troy ounce:

(a) The price for twenty-four karat, eighteen karat, fourteen karat, and ten karat gold;

(b) The price for pure silver and sterling silver;

(c) The price for platinum.

(3) When the weight determination is expressed in metric units, a conversion chart to troy ounces shall be prominently displayed so as to facilitate price comparison. The metric equivalent of a troy ounce is 31.10348 grams.

6. A weighing device used in the purchase of gold, silver, or platinum shall be positioned in such a manner that its indications may be accurately read and the weighing operation observed from a position which may be reasonably assumed by the buyer and the seller. A verbal statement of the result of the weighing shall be made by the person operating the device and recorded on the buyer's record of transaction.

7. The purchase of an item of gold, silver, or platinum by a buyer in gold, silver, or platinum not in accordance with section 407.292, shall constitute a violation of this section and the buyer may be subject to a fine not to exceed one thousand dollars.

8. This section shall not apply to a pawnbroker, as defined in section 367.011, or a scrap metal

dealer, as provided in sections 407.300 to 407.305.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, Pages 1-2, Section 407.300, Lines 8-13, by deleting all of said lines and inserting in lieu thereof, the following:

“as farming is defined in section 350.010; whatever may be the condition or length of such metal; **or (4) Catalytic converter.”; and**

Further amend said bill, Page 3, Section 407.303, Line 10, by inserting after the word “**license**” on said line, the phrase “**or nondriver’s license**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 257**.

Bill ordered enrolled.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The following are the correct conferees on **SS** for **SCS** for **HB 307**, as amended: Representatives Riddle, Hinson, and Walton Gray.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 230**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 230, Pages 1 to 3, Section 191.334, Lines 6 to 58, by deleting all of said Section and Lines and inserting in lieu thereof the following:

“3. Every newborn delivered on or after January 1, 2014, in an ambulatory surgical center, birthing center, hospital, or home shall be screened for critical congenital heart disease with pulse oximetry or in another manner as directed by the department of health and senior services in accordance with the American Academy of Pediatrics and American Heart Association guidelines. Screening shall occur prior to discharge if delivery occurs in a facility. If delivery occurs in a home

the individual performing the delivery shall perform the screening within forty-eight hours of birth. Screening results shall be reported to the parents or guardians of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes. The facility or individual shall develop and implement plans to ensure that newborns with positive screens receive appropriate confirmatory procedures and referral for treatment as indicated.

4. The provisions of this section shall not apply if a parent or guardian of the newborn objects to the screening on the grounds that it conflicts with his or her religious tenets and practices. The parent or guardian of any newborn who refuses to have the critical congenital heart disease screening administered after notice of the requirement for screening shall document the refusal in writing. Any refusal of screening shall be reported to the department of health and senior services in a manner prescribed by the department.

5. The department of health and senior services shall provide consultation and administrative technical support to facilities and persons implementing the requirements of this section including, but not limited to, assistance in:

(1) Developing and implementing critical congenital heart disease newborn screening protocols based on the American Academy of Pediatrics and American Heart Association guidelines;

(2) Developing and training facilities and persons on implementation of protocols;

(3) Developing and distributing educational materials for families; and

(4) Implementing reporting requirements.”; and

Further amend said bill, pages, and section, by renumbering the following subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 17**, entitled:

An Act to repeal section 178.550, RSMo, and to enact in lieu thereof two new sections relating to advisory councils in education.

With House Amendment Nos. 1, 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 161.249, Line 24, by inserting after all of said Section and Line the following:

“169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member’s final average salary:

(1) Two and five-tenths percent of the member’s final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) [Between July 1, 1998, and July 1, 2013,] Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) [Between July 1, 1998, and July 1, 2013,] Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) [Between July 1, 1998, and July 1, 2013,] Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) [Between July 1, 1998, and July 1, 2013,] Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) [Between July 1, 1998, and July 1, 2013,] Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) [Between July 1, 2001, and July 1, 2013,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated

dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the

member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases

to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was

paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which

would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased

retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.670. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, [between July 1, 2001, and July 1, 2013,] a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by

generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called option 1, a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired

individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement or disability allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or person's estate, in that order of precedence; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4 of this section, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal

shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

7. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the member's estate; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

8. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

9. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

10. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

11. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

12. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

13. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

14. Benefits paid pursuant to the provisions of the public education employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code, except as

provided under this subsection. Notwithstanding any other law, the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

15. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

17. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, in the Title, Line 3, by deleting from said line the phrase: “advisory councils in”; and

Further amend said bill, Section 161.249, Page 2, Line 24, by inserting after all of said line the following:

“170.340. Books of a religious nature may be used in the classroom as part of instruction in elective courses in literature and history, so long as such books are not used in a manner so as to violate the establishment clause of the United States Constitution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 161.249, Line 24, by inserting after said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach[, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education]. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete

twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee

reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, In the title, Line 3, by deleting the words, “advisory councils in”; and

Further amend said bill, Page 2, Section 161.249, Line 24, by inserting after all of said line the following:

“169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) “Accumulated contributions”, the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member’s individual account together with interest thereon in the employees’ contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system’s actuary and approved by the board of trustees;

(3) “Average final compensation”, the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are “consecutive”, only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) “Beneficiary”, any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) “Board of education”, the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) “Board of trustees”, the board provided for in section 169.291 to administer the retirement system;

(7) “Break in service”, an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed,

or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A “school or work day” is a day on which the employee’s employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee’s last job description to report to their place of employment for any reason;

(8) “Charter school”, any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) “Compensation”, the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member’s behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) “Creditable service”, the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) “Employee”, any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) “Employer”, the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retiree;

(13) “Employer’s board”, the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) “Library district”, any urban public library district created from or within a school district under the provisions of section 182.703;

(15) “Medical board”, the board of physicians provided for in section 169.291;

(16) “Member”, any person who is a regular employee after the retirement system has been established hereunder (“active member”), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder (“inactive member”). **A person shall cease to be a member if the person has a break in service before earning any vested**

retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system;

(17) **“Minimum normal retirement age”, for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement, the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit[.] and with both years of creditable service and years of age prorated for fractional years; for any person who becomes a member of the retirement system on or after January 1, 2014, including any person who was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years;**

(18) **“Prior service”, service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;**

(19) **“Regular employee”, any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee’s status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;**

(20) **“Retirant”, a former member receiving a retirement allowance hereunder;**

(21) **“Retirement allowance”, annuity payments to a retirant or to such beneficiary as is entitled to same;**

(22) **“School district”, any school district in which a retirement system shall be established under section 169.280.**

169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement

system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the

transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the [employer] **employers** shall equal one and ninety-nine one-

hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for [all] subsequent **calendar years through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.**

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections [407(a)(37)] **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any [retiree] retirant who retired on, before or after January 1, 1996, with at least twenty years of

creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326. [Provided, further, any retiree] **Any retirant** who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326). Any beneficiary of a deceased [retiree] **retirant** who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall

make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the “valuation year”), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and [the] first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system’s funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the [statutory] **then applicable employer and member** contribution rate **as determined under subsection 4 of section 169.350**;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary’s recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retiree.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person’s retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person’s average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person’s creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person’s average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retiree pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors.

Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. 1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013**, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and

shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calender year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 161.249, Line 24, by inserting after all of said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his **or her** incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, **incompetency**, **or** inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense thereto. [Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following.] At the request of any person so charged the hearing shall be public. During any time in which powers granted to the district's board of education are vested in a special administrative board, the special administrative board may appoint a hearing officer to conduct the hearing. The hearing officer shall conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation to the board rendering the charges against the teacher. The board shall render a decision on the charges upon the

review of the hearing officer's recommendations and the record from the hearing. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. **Incompetency or** inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least [one semester] **thirty days** prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the **incompetency or** inefficiency with such particularity as to enable the teacher to be informed of the nature of his **or her incompetency or** inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his **or her** salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his **or her** placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. [No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools] **No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher. The leave of absence shall continue for a period of not more than three years unless extended by the board.**

6. If any regulation which deals with the promotion of teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.” ; and

Further amend said bill, Page 4, Section 178.550, Line 95, by inserting after all of said line the following:

“[168.291. Whenever it is necessary to decrease the number of employees because of insufficient funds or decrease in pupil enrollment or lack of work the board of education may cause the necessary number of employees, beginning with those serving probationary periods, to be placed on leave of absence without pay, but only in the inverse order of their appointment. Each employee placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous periods of service. No new appointments shall be made while there are available employees on leave of absence who have not attained the age of seventy years and who are adequately qualified to fill the vacancy in the particular department unless the employees fail to advise the board within thirty days from date of notification by the board that positions are available to them, that they will return to employment, and will assume the duties of the position to which they are appointed not later than the beginning of the month following the date of the notice by the board.]” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, Section A, Line 2, by inserting after all of said Section and Line the following:

“135.1220. 1. This section shall be known and may be cited as “Bryce’s Law”.

2. As used in this section, the following terms mean:

(1) “Autism spectrum disorder”, pervasive developmental disorder; Asperger syndrome; childhood disintegrative disorder; Rett syndrome; and autism;

(2) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;

(3) “Department”, the department of elementary and secondary education;

(4) “Director”, the commissioner of the department of elementary and secondary education;

(5) “Educational scholarships”, grants to students to cover all or part of the tuition and fees at a qualified nonpublic school, a qualified public school, or a qualified service provider, including transportation;

(6) “Eligible child”, any child from birth to age five living in Missouri who has an individualized family services program under the First Steps program, sections 160.900 to 160.933, and whose parent or guardian has completed the complaint procedure under the Individuals with Disabilities Education Act, Part C, and has received an unsatisfactory response; or any child from birth to age five who has been evaluated for special needs as defined in this section by a person qualified to perform evaluations under the First Steps program and has been determined to have special needs but who falls below the threshold for eligibility by no less than twenty-five percent;

(7) “Eligible student”, any elementary or secondary student who attended public school in Missouri the preceding semester, or who will be attending school in Missouri for the first time, who has an individualized education program based on a special needs condition or who has a medical diagnosis by a qualified health professional of a special needs condition;

(8) “Parent”, includes a guardian, custodian, or other person with authority to act on behalf of the child;

(9) “Program”, the program established in this section;

(10) “Qualified health professional”, a person licensed under chapter 334 or 337 who possesses credentials as described in rules promulgated jointly by the department of elementary and secondary education and the department of mental health to make a diagnosis of a student’s special needs for this program;

(11) “Qualified school”, either an accredited public elementary or secondary school in a district that is accredited without provision outside of the district in which a student resides or an accredited nonpublic elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to nonpublic schools regarding criminal background checks for employees and excludes from employment any person not permitted by state law to work in a nonpublic school;

(12) “Qualified service provider”, a person or agency authorized by the department to provide services under the First Steps program, sections 160.900 to 160.933;

(13) “Scholarship granting organization”, a charitable organization that:

(a) Is exempt from federal income tax;

(b) Complies with the requirements of this program;

(c) Provides education scholarships to students attending qualified schools of their parents’ choice or to children receiving services from qualified service providers; and

(d) Does not accept contributions on behalf of any eligible student or eligible child from any donor with any obligation to provide any support for the eligible student or eligible child;

(14) “Special needs”, an autism spectrum disorder, Down syndrome, Angelman syndrome, or cerebral palsy.

3. The department of elementary and secondary education shall develop a master list of resources available to the parents of children with an autism spectrum disorder and shall maintain a web page for the information. The department shall also actively seek financial resources in the form of grants and donations that may be devoted to scholarship funds or to clinical trials for behavioral interventions that may be undertaken by qualified service providers. The department may contract out or delegate these duties to a nonprofit organization. Priority in referral for funding shall be given to children who have not yet entered elementary school.

4. The director shall determine, at least annually, which organizations in this state may be classified as scholarship granting organizations. The director may require of an organization seeking to be classified as a scholarship granting organization whatever information which is reasonably necessary to make such a determination. The director shall classify an organization as a scholarship

granting organization if such organization meets the definition set forth in this section.

5. The director shall establish a procedure by which a donor can determine if an organization has been classified as a scholarship granting organization. Scholarship granting organizations shall be permitted to decline a contribution from a donor.

6. Each scholarship granting organization shall provide information to the director concerning the identity of each donor making a contribution to the scholarship granting organization.

7. (1) The director shall annually make a determination on the number of students in Missouri with an individualized education program based upon special needs as defined in this section. The director shall use ten percent of this number to determine the maximum number of students to receive scholarships from a scholarship granting organization in that year for students with special needs who have at the time of application an individualized education program, plus a number calculated by the commissioner by applying the state's latest available autism, cerebral palsy, Down syndrome, and Angelman syndrome incidence rates to the state's population of children from age five to nineteen who are not enrolled in public schools and taking ten percent of that number. The total of these two calculations shall constitute the maximum number of scholarships available to students.

(2) The director shall also annually make a determination on the number of children in Missouri whose parent or guardian has enrolled the child in First Steps, received an individualized family services program based on special needs, and filed a complaint through the Individuals with Disabilities Education Act, Part C, and received a negative response. In addition to this number, the director shall apply the latest available autism, cerebral palsy, Down syndrome, and Angelman syndrome incidence rates to the latest available census information for children from birth to age five and determine ten percent of that number for the maximum number of scholarships for children.

(3) The director shall publicly announce the number of each category of scholarship opportunities available each year. Once a scholarship granting organization has decided to provide a student or child with a scholarship, it shall promptly notify the director. The director shall keep a running tally of the number of scholarships granted in the order in which they were reported. Once the tally reaches the annual limit of scholarships for eligible students or children, the director shall notify all of the participating scholarship granting organizations that they shall not issue any more scholarships and any more receipts for contributions. If the scholarship granting organizations have not expended all of their available scholarship funds in that year at the time when the limit is reached, the available scholarship funds may be carried over into the next year. These unexpended funds shall not be counted as part of the requirement in subdivision (3) of subsection 10 of this section for that year. Any receipt for a scholarship contribution issued by a scholarship granting organization before the director has publicly announced the student or child limit has been reached shall be valid.

8. Each scholarship granting organization participating in the program shall:

(1) Notify the department of its intent to provide educational scholarships to students attending qualified schools or children receiving services from qualified service providers;

(2) Provide a department-approved receipt to donors for contributions made to the organization;

(3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;

(4) Ensure that the scholarships provided do not exceed an average of twenty thousand dollars per eligible child or fifty thousand dollars per eligible student;

(5) Inform the parent or guardian of the student or child applying for a scholarship that accepting the scholarship is tantamount to a ‘parentally placed private school student’ pursuant to 34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible to provide the student with a free appropriate public education pursuant to the IDEA or Section 504 of the Rehabilitation Act of 1973;

(6) Distribute periodic scholarship payments as checks made out to a student’s or child’s parent and mailed to the qualified school where the student is enrolled or qualified service provider used by the child. The parent or guardian shall endorse the check before it can be deposited;

(7) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;

(8) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student or at a different qualified service provider for an eligible child according to a parent’s wishes. If a student moves to a new qualified school during a school year or to a different qualified service provider for an eligible child, the scholarship amount may be prorated;

(9) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(10) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department before the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

9. Each scholarship granting organization shall ensure that each participating school or service provider that accepts its scholarship students or children shall:

(1) Comply with all health and safety laws or codes that apply to nonpublic schools or service providers;

(2) Hold a valid occupancy permit if required by its municipality;

(3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;

(4) Provide academic accountability to parents of the students or children in the program by regularly reporting to the parent on the student’s or child’s progress;

(5) Certify that in providing any educational services or behavior strategies to a scholarship

recipient with a diagnosis of or an individualized education program based upon autism spectrum disorder it will:

(a) Adhere to the best practices recommendations of the Missouri Autism Guidelines Initiative or document why it is varying from the guidelines;

(b) Not use any evidence-based interventions that have been found ineffective by the commission on Medicare as described in the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions; and

(c) Provide documentation in the student's or child's record of the rationale for the use of any intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions; and

(6) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a diagnosis of, or an individualized family services program based upon Down syndrome, Angelman syndrome, or cerebral palsy, it will use student, teacher, teaching, and school influences that rank in the zone of desired effects in the meta-analysis of John Hattie, or equivalent analyses as determined by the department, or document why it is using a method that has not been determined by analysis to rank in the zone of desired effects.

10. Scholarship granting organizations shall not provide educational scholarships for students to attend any school or children to receive services from any qualified service provider with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

11. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding its grants in the previous calendar year:

(1) The name and address of the scholarship granting organization;

(2) The total number and total dollar amount of contributions received during the previous calendar year; and

(3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, including the category of each scholarship, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

12. The department shall adopt rules and regulations consistent with this section as necessary to implement the program.

13. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a donor to indicate the value of a contribution received.

14. The department shall provide a standardized format for scholarship granting organizations to report the information in this section.

15. The department may conduct either a financial review or audit of a scholarship granting organization.

16. If the department believes that a scholarship granting organization has intentionally and substantially failed to comply with the requirements of this section, the department may hold a

hearing before the director or the director's designee to bar a scholarship granting organization from participating in the program. The director or the director's designee shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

17. If the scholarship granting organization is barred from participating in the program, the department shall notify affected scholarship students or children and their parents of this decision within fifteen days.

18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

19. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

21. The study shall assess:

(1) The level of participating students' and childrens' satisfaction with the program in a manner suitable to the student or child;

(2) The level of parental satisfaction with the program;

(3) The percentage of participating students who were bullied or harassed because of their special needs status at their resident school district compared to the percentage so bullied or harassed at their qualified school;

(4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their qualified school;

(5) The class size experienced by participating students at their resident school district and at their qualified school; and

(6) The fiscal impact to the state and resident school districts of the program.

20. The study shall be completed using appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

21. The department shall provide the general assembly with a final copy of the evaluation of the program by December 31, 2016.

22. The public and nonpublic participating schools and service providers from which students transfer to participate in the program shall cooperate with the research effort by providing student or child assessment instrument scores and any other data necessary to complete this study.

23. The general assembly may require periodic updates on the status of the study from the department. The individuals completing the study shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and

Privacy Act, as amended.

24. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically on December 31, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically on December 31, 2031; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 36**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 211.073, Line 53, by inserting immediately after said line the following:

“217.870. In an effort to reduce the recidivism rate of offenders who are incarcerated in the state of Missouri the department of corrections shall, prior to the release of any inmate, do the following:

(1) Subject to appropriation, participate in the Federal Bonding Program so that all inmates are bonded prior to release;

(2) Review the types of jobs available for inmates while incarcerated to determine which jobs would be eligible for certification and ensure that any inmate who has completed the necessary requirements for certification in a particular field does receive certification;

(3) Issue a worker certificate to any inmate who has worked in one or more jobs while incarcerated which were the type of jobs that are not eligible for certification. This worker certificate shall indicate the number of hours the inmate has worked or training the inmate has received in each job which the inmate held. It shall also specify the duties required for each job and list the skills acquired or demonstrated on the job.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 116**, entitled:

An Act to repeal sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof twenty-six new sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions.

With House Amendment Nos. 2 and 3.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 116, Page 3, Section 115.275, Line 23, by inserting after the phrase: “(6)” on said Line the following: “] (5)”;

Further amend said Section, Page 3, Line 34 by deleting the bracket: “]” on said Line; and

Further amend said bill, Section 115.904, Page 12, Line 5, by deleting the word: “**and**” on said Line and inserting in lieu thereof the word: “**or**”;

Further amend said bill, Section 115.910, Page 14, Line 22, by deleting the word: “**and**” on said Line and inserting in lieu thereof the word: “**or**”;

Further amend said bill, Section 115.936, Page 17, Line 5 by inserting after all of said Section and Line the following:

“Section 1. Notwithstanding any other provision of law, a person in the federal service as defined under section 115.275 may vote in the same manner, using the same technology and requirements, as an overseas voter under sections 115.900 to 115.936.

Section B. The repeal and reenactment of Section A of this act shall be effective on July 1, 2014.”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 116, Page 15, Section 115.920, Lines 2 - 4, by deleting all of said Lines and inserting in lieu thereof the following:

“shall be counted if it is received before noon on the friday after election day so that certification under section 1 may commence.”; and

Further amend said bill, Section 115.936, Page 17, Line 5 by inserting after all of said Section and Line the following:

“Section 1. Notwithstanding any other provision of law to the contrary, no election authority or verification board shall certify election results, as required under section 115.507, before noon on the friday after election day.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 126**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Sater moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 157** and **SB 102**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a

conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Wallingford moved that **HB 400**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Wallingford, **SA 1** was withdrawn.

Senator Wallingford offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 400, Page 1, Section 188.021, Line 2, by inserting after “abortion,” the following: “**the initial dose of**”; and further amend line 6, by striking “twelve to eighteen days”; and further amend pages 1-2, lines 7 to 11, by striking said lines and inserting in lieu thereof the following: “**drug or chemical for a follow-up visit unless such termination of the pregnancy has already been confirmed and the patient’s medical condition has been assessed by a licensed physician prior to discharge.**”.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wallingford, **HB 400**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	McKenna	Munzlinger	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	LeVota	Nasheed	Sifton—7
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Absent—Senators

Nieves	Rupp	Walsh—3
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Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

At the request of Senator Brown, **HB 274**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **HCS** for **HBs 404** and **614**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1035**, with **SCS**, entitled:

An Act to repeal sections 137.073 and 137.720, RSMo, and to enact in lieu thereof two new sections relating to amended property tax rate filings with the office of the state auditor.

Was taken up by Senator Schmitt.

SCS for **HCS** for **HB 1035**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1035

An Act to repeal sections 67.463, 67.469, 137.073, and 137.720, RSMo, and to enact in lieu thereof four new sections relating to property taxes.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS** for **HB 1035** be adopted.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, In the Title, Line 3, by striking the words “property taxes” and inserting in lieu thereof the following: “funds collected by political subdivisions”; and

Further amend said bill, page 15, section 137.720, line 57, by inserting after all of said line the following:

“238.272. The state auditor [shall] **may** audit each district not [less] **more** than once every three years[, and may audit more frequently if the state auditor deems appropriate]. The costs of this audit shall be paid by the district **and shall not exceed three percent of the gross revenues received by the transportation district.**”; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Nieves offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 14, Section 137.073, Line 384, by inserting immediately after said line the following:

“137.090. **1.** All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.095. 1. The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term “based” means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.”; and

Further amend the title and enacting clause accordingly.

Senator Nieves moved that the above amendment be adopted, which motion prevailed.

Senator Nieves offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 14, Section 137.073, Line 384, by inserting after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political

subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their

true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is

real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the **lowest** trade-in value published in the October issue of [the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended] **a single nationally recognized** guide of information for determining the true value of motor vehicles described in such publication. **Such publication shall be approved by the state tax commission in conjunction with the association representing the majority of assessors of this state. The state tax commission shall also approve four additional guides for determining the true value of motor vehicles. If the owner of the motor vehicle presents evidence that any of the four other approved publications has a lower published trade-in value that is applicable to the motor vehicle, the assessor shall use such value in determining the true value of the motor vehicle.** In the absence of a listing for a particular motor vehicle in such [publication] **publications**, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for

senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.”; and

Further amend the title and enacting clause accordingly.

Senator Nieves moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Rupp offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 15, Section 137.720, Line 57, by inserting after all of said line the following:

“138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when [the] **any** scheduling order is first issued by the commission [and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order], **however, if no scheduling order has been issued, then a hearing officer shall be assigned no later than sixty days after the appeal is filed by the taxpayer.**

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written

application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Silvey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, In the Title, Line 3, by striking the words “property taxes” and inserting in lieu thereof the following: “funds collected by or assets of political subdivisions”; and

Further amend said bill and page, section A, line 3 by inserting immediately after said line the following:

“96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

“Shall the city council of....., Missouri and the board of trustees of.....hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of.....hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?”

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.”; and

Further amend said bill, page 15, section 137.720, line 57, by inserting after all of said line the following:

“Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Silvey moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 3, Section 67.469, Line 11, by inserting after all of said line the following:

“99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the “Special Allocation Fund” of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property

in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project

by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district**, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's

adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the

redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the

development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved

for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.""; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Wasson offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, Section A, Line 3, by inserting after all of said line the following:

“67.457. 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of election containing the question of creating a neighborhood improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall (name of city or county) be authorized to create a neighborhood improvement district proposed for the (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the (city or county) on the real property benefitted by such improvements for a period of years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the improvement?

3. As an alternative to the procedure described in subsection 2 of this section, the governing body of a city or county may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition. The petition, in order to become effective, shall be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real

property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and a notice that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than twenty-five percent.

4. Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the city clerk or county clerk, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the district be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the real property within the neighborhood improvement district and the amount of general obligation bonds issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvement by more than twenty-five percent.

5. The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

6. In any neighborhood improvement district organized prior to August 28, 1994, an assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the neighborhood improvement district either vote to assess real property within the district for the maintenance costs in the manner prescribed in subsection 2 of this section or if the owners of two-thirds of the area of all real property located within the district sign a petition for such purpose in the same manner as prescribed in subsection 3 of this section.

7. Prior to any assessment hereafter being levied against any real property within any neighborhood improvement district, and prior to any lien enforceable under either chapter 140 or 141 being imposed after August 28, 2013 against any real property within a neighborhood improvement district, the clerk of the governing body establishing the neighborhood improvement district shall cause to be recorded with the recorder of deeds for the county in which any portion of the neighborhood improvement district is located, a document conforming to the provisions of sections 59.310 and 59.313, and which shall contain at least the following information:

(1) Each owner of record of real property located within the neighborhood improvement district at the time of recording, who shall be identified in the document as grantors and indexed by the recorder pursuant to section 59.440;

(2) The governing body establishing the neighborhood improvement district and the title of any official or agency responsible for collecting or enforcing any assessments, who shall be identified in the document as grantees and so indexed by the recorder pursuant to section 59.440;

(3) The legal description of the property within the neighborhood improvement district which may either be the metes and bounds description authorized in subsection 5 of this section or the legal description of each lot or parcel within the neighborhood improvement district; and

(4) The identifying number of the resolution or ordinance creating the neighborhood improvement district, or a copy of such resolution or ordinance.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted, which motion prevailed.

Senator LeVota offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 3, Section 67.469, Line 11, by inserting after all of said line the following:

“71.011. 1. Except as provided in subsection 2 of this section, property of a municipality which abuts another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing bodies of each municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be concurrently detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. One certified copy of each ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if there are no residents living in the area or if there are residents in the area and they be notified of the annexation and do not object within sixty days.

2. In a county of the first classification with a charter form of government containing all or a portion of a city with a population of at least three hundred thousand inhabitants[.];

(1) Unimproved property of a municipality which overlaps another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary. If such ordinance is not passed within thirty days, the change shall be effective and one certified copy of the ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and

annexation permitted by this section if the landowners in the area are notified and do not object within sixty days; **or**

(2) An island of unincorporated area within a municipality, which is contiguous to more than one municipality or contiguous to the Missouri River and the Blue River, may be annexed by an abutting municipality by the enactment by the governing body of the municipality of an ordinance describing the metes and bounds of the property, declaring the property so described to be annexed, and stating the reasons for and the purposes to be accomplished by the annexation. All recording shall be accomplished in the same manner as set out in subdivision (1) of this subsection and shall be effective unless the governing body of the county passes an ordinance within thirty days disapproving the annexation. No declaratory judgment or election shall be required for any annexation permitted by this subdivision. Any annexation permitted by this subdivision shall exclude any property within the unincorporated area when such property has been owned by the same family for at least sixty consecutive years and consists of ten acres or more. The line of ownership from the original settler or buyer may be through children, grandchildren, siblings, nephews, or nieces, including through marriage or adoption.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted, which motion prevailed.

Senator Lamping offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, Page 1, Section A, Line 3, by inserting after all of said line the following:

“33.080. **1.** All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the [ordinary] **general** revenue fund of the state by the state treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the University of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

2. Notwithstanding any provision of law to the contrary concerning the funds listed in subdivisions (1) to (3) of this subsection, the amount specified for each fund listed in subdivisions (1) to (3) of this subsection shall be transferred and placed to the credit of the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013. The funds subject to the provisions of this subsection and the amount of the transfer are as follows:

(1) Insurance dedicated fund established under section 374.150, ten million dollars;

(2) Lewis and Clark discovery fund established under section 173.392, the balance in the fund on June 30, 2013;

(3) Department of revenue information fund established under section 32.067, one million dollars.

3. Notwithstanding any provision of law to the contrary concerning the department of revenue information fund established in section 32.067, two million dollars of such fund shall be transferred and placed to the credit of the general revenue fund of the state on July 1, 2013.

33.295. 1. There is hereby established the “Rebuild Damaged Infrastructure Program” to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

2. There is hereby created in the state treasury the “Rebuild Damaged Infrastructure Fund”, which shall consist of money appropriated or collected under this section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars shall instead be transferred to the state general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The provisions of this section shall expire on June 30, 2014.”; and

Further amend said bill, page 15, section 137.720, line 57 by inserting after all of said line the following:

“360.045. 1. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

(1) To have perpetual succession as a body politic and corporate;

(2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(4) To have and to use a corporate seal and to alter the same at pleasure;

(5) To maintain an office at such place or places in the state of Missouri as it may designate;

(6) To determine the location and construction of any facility to be financed under the provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve, extend, maintain, lease, and regulate the same; and to designate a participating health institution or a participating educational institution, as the case may be, as its agent to determine the location and construction of a facility undertaken by such participating health institution or participating educational institution, as the case may be, under the provisions of sections 360.010 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the same, and to enter into contracts for any and all of such purposes including contracts for the management and operation of the facility;

(7) To lease to a participating health institution or a participating educational institution, as the case may be, the particular health or educational facility or facilities, as the case may be, upon such terms and conditions as the authority shall deem proper; to charge and collect rent therefor; to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the term of the lease for such period or periods at such rent as shall be determined by the authority or to purchase any or all of the particular leased facility or facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees thereof. Every lease agreement between the authority and an institution must contain a clause obligating the institution not to use the leased land, nor any facility located thereon, for sectarian instruction or study or as a place of religious worship, or in connection with any part of the program of a school or department of divinity of any religious denomination; to insure that this covenant is honored, each lease agreement shall allow the authority to conduct inspections, and every conveyance of title to an institution shall contain a restriction against use for any sectarian purpose;

(8) To issue its bonds, notes, or other obligations for any of its corporate purposes and to refund the same, all as provided in sections 360.010 to 360.140;

(9) To transfer assets of the authority to the rebuild damaged infrastructure fund created in section 33.295;

(10) To fix and revise from time to time and make and collect rates, rents, fees, and charges for the use of and services furnished or to be furnished by any facility or facilities or any portion thereof and to contract with any person, firm, or corporation or other body, public or private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents, fees, and charges established by a participating educational institution for its students or established by a participating health institution for its patients other than to require that such rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's obligations to the authority;

[(10)] (11) To establish rules and regulations for review by or on behalf of the authority of the retention or employment by a participating health institution or by a participating educational institution, as the case may be, of consulting engineers, architects, attorneys, accountants, construction and finance experts, superintendents, managers, and such other employees and agents as shall be determined to be necessary in connection with any such facility or facilities and for review by or on behalf of the authority of all reports, studies, or other material prepared in connection with any bond issue of the authority for any such facility or facilities. The costs incurred or to be incurred by a participating health institution or by a participating educational institution in connection with the review shall be deemed, where appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be deemed an annual expense of operation

and maintenance of the facility or facilities;

[(11)] (12) To receive and accept from any public agency loans or grants for or in aid of the construction of a facility or facilities, or any portion thereof, or for equipping the same and to receive and accept grants, gifts, or other contributions from any source;

[(12)] (13) To mortgage or pledge all or any portion of any facility or facilities, including any other health or educational facility or facilities conveyed to the authority for such purpose and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the holders of the bonds of the authority issued to finance such facility or facilities or any portion thereof or issued to refund or refinance outstanding indebtedness of a private health institution or a private institution of higher education as permitted by sections 360.010 to 360.140;

[(13)] (14) To make loans to any participating health institution or participating educational institution, as the case may be, for the cost of any facility or facilities in accordance with an agreement between the authority and such participating health institution or participating educational institution, as the case may be; except that no such loan shall exceed the total cost of such facility or facilities as determined by the participating health institution or participating educational institution, as the case may be, and approved by the authority;

[(14)] (15) To make loans to a participating health institution or participating educational institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued, made, or given by the institution for the cost of its facility or facilities, including the power to issue bonds and make loans to a participating health institution or participating educational institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and completed prior to or after September 28, 1975, whenever the authority finds that the financing is in the public interest, alleviates a financial hardship upon the participating health institution or participating educational institution, as the case may be, and results in a lesser cost of patient care or cost of education and a saving to third parties, including state or federal governments, and to others who must pay for the care or education;

[(15)] (16) To inspect any and all facilities assisted by the authority in any way to enforce the prohibition against sectarian or religious use at any time; and

[(16)] (17) To do all things necessary and convenient to carry out the purposes of sections 360.010 to 360.140.

2. Notwithstanding any provision of law to the contrary, including section 360.115, the authority shall transfer four million dollars of the assets of the authority to the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

Section B. Because of the necessity to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, the enactment of section 33.295 and the repeal and reenactment of sections 33.080 and 360.045 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 33.295 and the repeal and reenactment of sections 33.080 and 360.045 of this act of this act shall be in full force and effect upon its passage and approval.”; and

further amend the title and enacting clause accordingly.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt moved that **SCS** for **HCS** for **HB 1035**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HCS** for **HB 1035**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Justus Nasheed—2

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 196, introduced by Representative Lauer, et al, with **SCS**, entitled:

An Act to repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478,

620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof nine new sections relating to job training programs.

Was taken up by Senator Romine.

SCS for **HB 196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 196

An Act to repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 288.040, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof ten new sections relating to job training programs, with an emergency clause for a certain section.

Was taken up.

Senator Romine moved that **SCS** for **HB 196** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 196, Page 5, Section 135.800, Line 89, by inserting immediately after said line the following:

“287.220. 1. All cases of permanent disability where there has been previous disability shall be compensated as herein provided. Compensation shall be computed on the basis of the average earnings at the time of the last injury. If any employee who has a preexisting permanent partial disability whether from compensable injury or otherwise, of such seriousness as to constitute a hindrance or obstacle to employment or to obtaining reemployment if the employee becomes unemployed, and the preexisting permanent partial disability, if a body as a whole injury, equals a minimum of fifty weeks of compensation or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, according to the medical standards that are used in determining such compensation, receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree or percentage of disability, in an amount equal to a minimum of fifty weeks compensation, if a body as a whole injury or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, caused by the combined disabilities is substantially greater than that which would have resulted from the last injury, considered alone and of itself, and if the employee is entitled to receive compensation on the basis of the combined disabilities, the employer at the time of the last injury shall be liable only for the degree or percentage of disability which would have resulted from the last injury had there been no preexisting disability. After the compensation liability of the employer for the last injury, considered alone, has been determined by an administrative law judge or the commission, the degree or percentage of employee’s disability that is attributable to all injuries or conditions existing at the time the last injury was sustained shall then be determined by that administrative law judge or by the commission and the degree or percentage of disability which existed prior to the last injury plus the disability resulting from the last injury, if any, considered alone, shall be deducted from the combined disability, and compensation for the balance, if any, shall be paid out of a special fund known as the second injury fund, hereinafter provided for. If the previous disability or disabilities, whether from compensable injury or otherwise, and the last injury together result in total and permanent disability, the minimum standards under this subsection for a body

as a whole injury or a major extremity injury shall not apply and the employer at the time of the last injury shall be liable only for the disability resulting from the last injury considered alone and of itself; except that if the compensation for which the employer at the time of the last injury is liable is less than the compensation provided in this chapter for permanent total disability, then in addition to the compensation for which the employer is liable and after the completion of payment of the compensation by the employer, the employee shall be paid the remainder of the compensation that would be due for permanent total disability under section 287.200 out of a special fund known as the "Second Injury Fund" hereby created exclusively for the purposes as in this section provided and for special weekly benefits in rehabilitation cases as provided in section 287.141. Maintenance of the second injury fund shall be as provided by section 287.710. The state treasurer shall be the custodian of the second injury fund which shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto. The fund shall be subject to audit the same as state funds and accounts and shall be protected by the general bond given by the state treasurer. Upon the requisition of the director of the division of workers' compensation, warrants on the state treasurer for the payment of all amounts payable for compensation and benefits out of the second injury fund shall be issued.

2. In all cases in which a recovery against the second injury fund is sought for permanent partial disability, permanent total disability, or death, the state treasurer as custodian thereof shall be named as a party, and shall be entitled to defend against the claim. The state treasurer, with the advice and consent of the attorney general of Missouri, may enter into compromise settlements as contemplated by section 287.390, or agreed statements of fact that would affect the second injury fund. All awards for permanent partial disability, permanent total disability, or death affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal. For all claims filed against the second injury fund on or after July 1, 1994, the attorney general shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the fund. Any legal expenses incurred by the attorney general's office in the handling of such claims, including, but not limited to, medical examination fees, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the fund.

Effective July 1, 1993, the payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general's office for this specific purpose.

3. If more than one injury in the same employment causes concurrent temporary disabilities, compensation shall be payable only for the longest and largest paying disability.

4. If more than one injury in the same employment causes concurrent and consecutive permanent partial disability, compensation payments for each subsequent disability shall not begin until the end of the compensation period of the prior disability.

5. If an employer fails to insure or self-insure as required in section 287.280, funds from the second injury fund may be withdrawn to cover the fair, reasonable, and necessary expenses to cure and relieve the effects of the injury or disability of an injured employee in the employ of an uninsured employer, or in the case of death of an employee in the employ of an uninsured employer, funds from the second injury fund may be withdrawn to cover fair, reasonable, and necessary expenses in the manner required in sections 287.240 and 287.241. In defense of claims arising under this subsection, the treasurer of the state of Missouri, as custodian of the second injury fund, shall have the same defenses to such claims as would the uninsured employer. Any funds received by the employee or the employee's dependents, through civil or

other action, must go towards reimbursement of the second injury fund, for all payments made to the employee, the employee's dependents, or paid on the employee's behalf, from the second injury fund pursuant to this subsection. The office of the attorney general of the state of Missouri shall bring suit in the circuit court of the county in which the accident occurred against any employer not covered by this chapter as required in section 287.280.

6. Every three years the second injury fund shall have an actuarial study made to determine the solvency of the fund, appropriate funding level of the fund, and forecasted expenditures from the fund. The first actuarial study shall be completed prior to July 1, 1988. The expenses of such actuarial studies shall be paid out of the fund for the support of the division of workers' compensation.

7. The director of the division of workers' compensation shall maintain the financial data and records concerning the fund for the support of the division of workers' compensation and the second injury fund. The division shall also compile and report data on claims made pursuant to subsection 9 of this section. The attorney general shall provide all necessary information to the division for this purpose.

8. All claims for fees and expenses filed against the second injury fund and all records pertaining thereto shall be open to the public.

9. Any employee who at the time a compensable work-related injury is sustained is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury.

10. An employee that is employed in a sheltered workshop as established in sections 205.968 to 205.972 or sections 178.900 to 178.960 who thereafter sustains a compensable work-related injury that, when combined with the preexisting disability, results in a permanent total disability as defined under this chapter shall be compensated as provided in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Romine raised the point of order that **SA 1** is out of order as it goes beyond the scope of the subject matter of the underlying bill.

The point of order was referred to the President Pro Tem who took it under advisement which placed **HB 196**, with **SCS, SA 1** and the point of order (pending) on the Informal Calendar.

Senator Kehoe assumed the Chair.

HB 253, introduced by Representative Berry, et al, entitled:

An Act to repeal sections 143.071, 143.221, 144.020, and 144.030, RSMo, and to enact in lieu thereof five new sections relating to the taxation of businesses.

Was taken up by Senator Schmitt.

Senator Kraus offered **SS** for **HB 253**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 253

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

Senator Kraus moved that **SS** for **HB 253** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 253, Page 180, Section 143.071, Line 1 of said page, by inserting after all of said line the following:

“143.145. 1. As used in this section, the following terms mean:

(1) “Contract sales price”, the total price paid by a taxpayer for the purchase of a qualified principal residence;

(2) “Deduction”, an amount deducted from the taxpayer’s Missouri adjusted gross income pursuant to section 143.121 to determine Missouri taxable income for the tax year in which such deduction is claimed;

(3) “Purchase”, any conveyance to a taxpayer of fee simple ownership interest in a qualified principal residence made by deed executed by any person having authority to convey the same, or by his agent or attorney, and acknowledged and recorded pursuant to chapter 442 after the effective date of this section but before January 1, 2016;

(4) “Qualified principal residence”, any single-family residence located in the state of Missouri, whether detached or attached, that is owner occupied or will be owner occupied after purchase by the taxpayer claiming the deduction allowed by this section as his or her primary residence, for which construction began and has been completed between August 28, 2013, and December 31, 2015, and that has not been previously occupied. For the purposes of this section, a manufactured home, modular unit, recreational park trailer, or recreational vehicle as defined in section 700.010, shall not be considered a single-family residence. For the purposes of this section, the value of land or any pre-existing structures on such land shall not be included in the value of such residence. The taxpayer shall submit an appraisal to the department that separately states the value of the land and any existing structures in order to claim the deduction;

(5) “Recapture period”, the two taxable years beginning with the first taxable year following the

taxable year in which the taxpayer occupied the qualified principal residence for which a deduction is allowed under this section, except that such recapture period shall be deemed to have expired immediately upon the date of the death of any person deemed a taxpayer under this section;

(6) “Taxpayer”, an individual who purchases a fee simple ownership interest in a qualified principal residence during a taxable year and has not previously received a deduction issued pursuant to this section in any taxable year.

2. In addition to all deductions listed in this chapter, for taxable years beginning on or after January 1, 2013, and ending on or before December 31, 2015, a taxpayer shall be allowed a deduction for the purchase of a qualified principal residence in this state. The deduction amount shall be equal to the lesser of:

- (1) One-third of the contract sales price of the qualified principal residence in this state; or
- (2) One hundred sixty-six thousand six hundred sixty-seven dollars.

3. No taxpayer shall claim a tax deduction for the purchase of more than one qualified principal residence under this section. Such tax deduction shall be limited to a maximum tax benefit of ten thousand dollars.

4. If the amount of the deduction allowed under this section exceeds the total Missouri adjusted gross income for the taxpayer in the same tax year in which the deduction is allowed without taking into account the deduction allowed by this section, the amount that exceeds the total Missouri adjusted gross income for the taxpayer without taking into account the deduction allowed by this section may be carried forward to any subsequent tax year until the full deduction is claimed.

5. If a taxpayer disposes of his or her qualified principal residence for which a deduction was allowed under this section or such qualified principal residence ceases to be the principal residence of the taxpayer (and if married the taxpayer’s spouse) before the end of the recapture period, then any remaining unused deduction shall be cancelled, and the taxpayer shall be subject to an addition to his or her Missouri adjusted gross income of any amount deducted under this section in any preceding tax year. The provisions of this subsection shall not apply in the case of a transfer of a qualified principal residence from an individual taxpayer to a spouse (or to a former spouse if the transfer is incident to a divorce) or from an individual taxpayer to a grantor-trust or a single-member limited liability company owned by the taxpayer.

6. If a Missouri taxpayer self-constructs a qualified principal residence, such taxpayer shall be eligible for a tax deduction allowed by this section by satisfying the department of revenue’s proof of documentation requirements to verify the contract sale price of a qualified principle residence.

7. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed and may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

8. Pursuant to section 23.253 of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2015, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset December thirty-first one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion failed.

Senator Pearce assumed the Chair.

Senator Sifton offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 253, Page 180, Section 143.071, Line 1, by inserting immediately after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer’s federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer’s federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax

purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, “combat zone” means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an [addition] **additional** modification was made under subdivision (3) of subsection 2 of this section, the amount by which [addition] **additional** modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection.

4. There shall be added to or subtracted from the taxpayer’s federal adjusted gross income the taxpayer’s share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer’s federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer’s federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer’s federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, “qualified health insurance premium” means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer’s spouse, or the taxpayer’s dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer’s federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2009, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer’s federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year **for individual taxpayers** or cumulatively

exceed two thousand dollars per [taxpayer or] **year for** taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, [2013] **2019.**"; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator LeVota offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 253, Page 180, Section 143.071, Line 1 of said page, by inserting immediately after all of said line the following:

"143.131. 1. The Missouri standard deduction may be deducted in determining Missouri taxable income of a resident individual unless the taxpayer or his spouse has elected to itemize his deduction as provided in section 143.141.

2. The Missouri standard deduction shall be [the allowable federal standard deduction] **twenty-five thousand dollars for individuals filing a single return and thirty thousand dollars for a married individual filing a joint return.**"; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted.

Senator Lager assumed the Chair.

Senator Silvey assumed the Chair.

At the request of Senator Kraus, **HB 253**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HJR**s **5** and **12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HBs 48** and **216**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 351**, with **SCS**, entitled:

An Act to repeal sections 197.080 and 197.100, RSMo, and to enact in lieu thereof two new sections relating to hospital licensure.

Was taken up by Senator Brown.

SCS for **HCS** for **HB 351**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 351

An Act to repeal sections 191.227, 197.080, and 197.100, RSMo, and to enact in lieu thereof four new

sections relating to health care providers.

Was taken up.

Senator Brown moved that **SCS** for **HCS** for **HB 351** be adopted.

Senator Silvey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 351, Page 1, In the Title, Line 3, of the title, by inserting after “providers” the following: “with an emergency clause for a certain section”; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

“96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

“Shall the city council of....., Missouri and the board of trustees of.....hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of..... hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?”

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.”; and

Further amend said bill, page 7, Section 1, Line 26, by inserting after all of said line the following:

“Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Silvey moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SCS for HCS for HB 351**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 351**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

On motion of Senator Richard, the Senate recessed for 15 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

HOUSE BILLS ON THIRD READING

Senator Schmitt moved that **HB 253**, with **SS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

At the request of Senator LeVota, the above amendment was withdrawn.

Senator Sifton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 253, Page 162, Section 143.011, Line 26, by inserting immediately before the word “Beginning” the following: “**For all calendar years after the provisions of subdivision (1) of this subsection have been met and until the provisions of subdivision (3) of this subsection are met,**”; and further amend said line by striking the word “first”; and

Further amend said bill and section, page 163, lines 3-4, by striking the words “, until the provisions of subdivision (3) of this subsection are met,”; and further amend line 28, by inserting immediately before the word “Beginning” the following: “**For all calendar years after the provisions of subdivision (2) of this subsection have been met and until the provisions of subdivision (4) of this subsection are met,**”; and further amend said line by striking the word “second”; and

Further amend said bill and section, page 164, lines 5-6, by striking the words “, until the provisions of subdivision (4) of this subsection are met,”; and

Further amend said bill and section, page 165, line 2, by inserting immediately before the word

“Beginning” the following: **“For all calendar years after the provisions of subdivision (3) of this subsection have been met and until the provisions of subdivision (5) of this subsection are met,”**; and further amend said line by striking the word “third”; and further amend lines 7-8 by striking the words “, until the provision of subdivision (5) of this subsection are met,”; and

Further amend said bill and section, page 166, line 4, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (4) of this subsection have been met and until the provisions of subdivision (6) of this subsection are met,”**; and further amend said line by striking the word “fourth”; and further amend lines 9-10, by striking the words “, until the provisions of subdivision (6) of this subsection are met,”; and

Further amend said bill and section, page 167, line 6, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (5) of this subsection have been met and until the provisions of subdivision (7) of this subsection are met,”**; and further amend said line, by striking the word “fifth”; and further amend lines 11-12, by striking the words “, until the provisions of subdivision (7) of this subsection are met,”; and

Further amend said bill and section, page 168, line 8, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (6) of this subsection have been met and until the provisions of subdivision (8) of this subsection are met,”**; and further amend said line, by striking the word “sixth”; and further amend lines 13-14, by striking the words “, until the provisions of subdivision (8) of this subsection are met,”; and

Further amend said bill and section, page 169, line 10, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (7) of this subsection have been met and until the provisions of subdivision (9) of this subsection are met,”**; and further amend said line, by striking the word “seventh”; and further amend lines 15-16, by striking the words “, until the provisions of subdivision (9) of this subsection are met,”; and

Further amend said bill and section, page 170, line 12, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (8) of this subsection have been met and until the provisions of subdivision (10) of this subsection are met,”**; and further amend said line, by striking the word “eighth”; and further amend lines 17-18, by striking the words “, until the provisions of subdivision (10) of this subsection are met,”; and

Further amend said bill and section, page 171, line 14, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (9) of this subsection have been met and until the provisions of subdivision (11) of this subsection are met,”**; and further amend said lines, by striking the word “ninth”; and further amend lines 19-20, by striking the words “, until the provision of subdivision (11) of this subsection are met,”; and

Further amend said bill and section, page 172, line 16, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (10) of this subsection have been met,”**; and further amend said line, by striking the word “tenth”; and

Further amend said bill, page 173, section 143.021, lines 21-25, by striking all of the underlined words and inserting in lieu thereof the following:

“1. For all tax years beginning before the provisions of subdivision (11) of subsection 1 of section 143.011 are met,”; and

Further amend said bill and section, page 174, lines 11-15, by striking all said lines and inserting in lieu thereof the following: **“the calendar year in which the provisions of subdivision (11) of subsection 1 of section 143.011 are met, every resident having a taxable income of less than”**; and

Further amend said bill, page 177, section 143.071, line 5, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (1) of this subsection have been met and until the provisions of subdivision (3) of this subsection are met,”**; and further amend said line by striking the word “second”; and further amend lines 10-11 by striking the words “until the provisions of subdivision (3) of this subsection are met,”; and further amend line 14 by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (2) of this subsection have been met and until the provisions of subdivision (4) of this subsection are met,”**; and further amend said line by striking the word “third”; and further amend lines 19-20, by striking the words “until the provisions of subdivision (4) of this subsection are met,”; and further amend line 23, inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (3) of this subsection have been met and until the provisions of subdivision (5) of this subsection are met,”**; and further amend said line by striking the word “fourth”; and further amend line 28, by striking the words “until the provisions of subdivision”; and

Further amend said bill and section, page 178, line 1, by striking the words “(5) of this subsection are met,”; and further amend line 4, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (4) of this subsection have been met and until the provisions of subdivision (6) of this subsection are met,”**; and further amend said line by striking the word “fifth”; and further amend lines 9-10, by striking the words “until the provisions of subdivision (6) of this subsection are met,”; and further amend line 13, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (5) of this subsection have been met and until the provisions of subdivision (7) of this subsection are met,”**; and further amend said line by striking the word “sixth”; and further amend lines 18-19, by striking the words “until the provisions of subdivision (7) of this subsection are met,”; and further amend line 22, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (6) of this subsection have been met and until the provisions of subdivision (8) of this subsection are met,”**; and further amend said line by striking the word “seventh”; and further amend lines 27-28, by striking the words “until the provisions of subdivision (8) of this subsection are met,”; and

Further amend said bill and section, page 179, line 3, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (7) of this subsection have been met and until the provisions of subdivision (9) of this subsection are met,”**; and further amend said line by striking the word “eighth”; and further amend lines 8-9, by striking the words “until the provisions of subdivision (9) of this subsection are met,”; and further amend line 13, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (8) of this subsection have been met and until the provisions of subdivision (10) of this subsection are met,”**; and further amend said line by striking the word “ninth”; and further amend lines 18-19, by striking the words “until the provisions of subdivision (10) of this subsection are met,”; and further amend line 22, by inserting immediately before the word “Beginning” the following: **“For all calendar years after the provisions of subdivision (9) of this subsection have been met,”**; and further amend said line by striking the word “tenth”.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Kraus offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 253, Page 228, Section 144.030, Line 9, by inserting after the word “disabilities” the following: “**all sales of kidney dialysis equipment and enteral feeding systems**,”.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Kraus moved that **SS** for **HB 253**, as amended, be adopted, which motion prevailed.

Senator Schmitt moved that **SS** for **HB 253**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Dempsey referred **SS** for **HB 253**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Dempsey referred **HB 409** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 921, regarding Alexander D. Ernst, St. Charles, which was adopted.

Senator LeVota offered Senate Resolution No. 922, regarding Quinton Templeton, which was adopted.

Senator Kehoe offered Senate Resolution No. 923, regarding Brett Nardoni, St. Charles, which was adopted.

Senator Wasson offered Senate Resolution No. 924, regarding Dr. Gordon Pace, which was adopted.

Senator Keaveny offered Senate Resolution No. 925, regarding Matthew Behnke, which was adopted.

Senator Wallingford offered Senate Resolution No. 926, regarding Amanda Latty, which was adopted.

Senator Justus offered Senate Resolution No. 927, regarding Alyssa Webb, Mexico, which was adopted.

Senator Justus offered Senate Resolution No. 928, regarding Corrections Officer I Joe McLeese, Vandalia, which was adopted.

Senator Justus offered Senate Resolution No. 929, regarding Recreation Officer I Justin Donaldson, Elsberry, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Richard introduced to the Senate, Keegan Tinney, Joplin.

Senator Libla introduced to the Senate, Robert Whelan, Poplar Bluff.

On behalf of Senator Pearce, the President introduced to the Senate, Drew Mreen, North Kansas City.

Senator Rupp introduced to the Senate, Sara Stubbett, St. Charles.

Senator Lamping introduced to the Senate, students from West Christian School, St. Louis County.

Senator Silvey introduced to the Senate, teachers and students from Nashua Elementary School, Kansas

City.

Senator Emery introduced to the Senate, Principal Jeff Kramer, Coaches Troy Schulte and Charles Plattner, and members of the Archie High School girls basketball team: Kara Fisher, Kaily Kurzweil, Stefani Simms, Mallory Wiskur, Leslie Iseman, Jordan Schulte, Tiffany Greenwood, Samantha Ogden, Taylor Plattner, Mary Kurzweil, Arely Guajardo, Mallory Lyons, Brooke Wiskur and Quincy Young.

Senator Cunningham introduced to the Senate, Kayla Merrill, Caden Merrill, Alea Merrill, Trinity Merrill, Elliot Merrill, Karla Ward, Jacob Collins, Terese Smoot, Jessica Smoot, Sarah Smoot, Hannah Smoot and Jessica Vaughn, Homeschoolers from Willow Springs.

Senator Curls introduced to the Senate, Melissa Stone, Columbia.

Senator Dempsey introduced to the Senate, Adriana Rhine, West Plains; and Johnathan “Jake” Pelikan, St. Charles.

Senator Nieves introduced to the Senate, the Physician of the Day, Dr. Ravi Johar, Chesterfield.

Senator Nieves introduced to the Senate, Ralph Haynes, New Haven.

Senators Nieves and Schmitt introduced to the Senate, Ann Dunn and nineteen students from Academy of St. Louis, Chesterfield.

Senator Schaefer introduced to the Senate, fourth grade students from Our Lady of the Lourdes Interparish School, Columbia; and Lauren Hervey, Caroline Neuner and Hannah Hulshof were made honorary pages.

On behalf of Senator Pearce, the President introduced to the Senate, Court Hyken, St. Louis County.

Senator Dixon introduced to the Senate, Gena Valente, Mt. Vernon.

Senator Chappelle-Nadal introduced to the Senate, Gabe Fleisher, St. Louis County.

Senator Chappelle-Nadal introduced to the Senate, Chris Givan, Hutchinson, Kansas.

Senator LeVota introduced to the Senate, Nathan Ellermier, Liberty; and Olivia Sandbothe, Des Moines, Iowa.

Senator Brown introduced to the Senate, Susie Johnson, Camden County.

Senator Kehoe introduced to the Senate, Brett Nardoni, St. Charles.

On behalf of Senator Pearce, the President introduced to the Senate, LuAnn Stillwell, Holly Jennings and seventh grade students: Nathan Sheehan, Jarrett Kreisel, Christopher Meloy, Colton Hartford, Hope Yersak, Audrey Gillum, Molly Shumard and Cassie Marks, Warrensburg Middle School.

Senator Justus introduced to the Senate, Alec Kelley, St. Charles.

Senator Justus introduced to the Senate, Rosie Thalhuber, Columbia.

Senator Walsh introduced to the Senate, Daphne Lew, Corey Linehan and students: Rory Johnson, Robert Hoop, Devan Miller, Paris Moore, Brittany Parks, William Strickland and Shannon Washington, Riverview Gardens High School.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY—WEDNESDAY, MAY 8, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

THIRD READING OF SENATE BILLS

SCS for SB 378-Pearce (In Fiscal Oversight)

SS for SCS for SB 210-Lamping

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager) (In Fiscal Oversight)
2. HCS for HB 215, with SCS (Dixon)
(In Fiscal Oversight)
3. HCS for HB 168 (Kraus) (In Fiscal Oversight)
4. HCS for HB 58 (Rupp)
5. HB 409-Love and Remole
(In Fiscal Oversight)
6. HB 339-Wieland, et al (Dempsey)
7. HCS for HBs 593 & 695 (Schaaf)
8. HB 142-Dugger, with SCS (Walsh)

9. HCS for HB 17, with SCS (Schaefer)
10. HCS for HB 19, with SCS (Schaefer)
11. HB 18-Stream, with SCS (Schaefer)
12. HCS for HB 117, with SCS (Rupp)
13. HB 148-Davis, et al, with SCS
14. HB 103-Kelley (127), et al, with SCS
(Munzlinger)
15. HB 428-Schatz, with SCS
16. HCS for HJRs 5 & 12, with SCS (Kraus)
17. HCS for HBs 48 & 216 (Kraus)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe

SS for SCS for SB 437-Pearce

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)	SB 272-Nieves, with SA 2 (pending)
SB 13-Schaefer, with SCS	SB 285-Romine
SB 21-Dixon	SB 291-Rupp
SB 22-Dixon	SB 292-Rupp
SB 30-Brown, with SCS	SB 308-Schaaf
SB 48-Lamping	SB 315-Pearce
SB 53-Lamping	SB 325-Nieves
SB 61-Keaveny, with SCA 1 (pending)	SB 339-Romine
SB 65-Dixon, with SCS	SB 343-Parson
SB 78-Lamping, with SCS, SS for SCS & SA 1 (pending)	SB 364-Parson
SB 82-Schaefer, with SCS	SB 371-Munzlinger, with SCS
SB 109-Brown, with SCS	SB 377-Dixon
SB 133-Keaveny and Holsman, with SCS & SA 1 (pending)	SB 383-Wallingford
SB 141-Dempsey	SB 396-Holsman and Chappelle-Nadal, with SCS
SB 167-Sater and Wallingford, with SCS	SB 403-Rupp, with SCS
SB 174-Parson, with SCS	SB 410-Kehoe
SB 175-Wallingford	SB 419-Lager, with SCS
SB 207-Kehoe, et al, with SCS	SB 423-Nasheed
SB 231-Munzlinger, with SA 1 (pending)	SB 441-Dempsey
SB 239-Emery, with SCS & SA 2 (pending)	SB 448-Schmitt and Keaveny
SB 250-Schaaf, with SCS	SB 455-Nieves, with SCS
SB 259-Schaaf, with SCS	SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HB 274-Brattin, et al, with SCS (Brown)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HB 346-Molendorp (Wasson)
HB 112-Burlison, with SA 2 (pending) (Brown)	HCS for HBs 374 & 434, with SCS (Dixon)
HB 184-Cox, et al (Parson)	HCS for HBs 404 & 614, with SCS (Kehoe)
HCS for HB 194 (Parson)	HB 432-Funderburk, et al, with SCS & SA 1 (pending) (Lager)
HB 196-Lauer, et al, with SCS, SA 1 & point of order (pending) (Romine)	HCS for HB 457, with SCS (Rupp)
HCS for HB 199 (Lamping)	SS for SCS for HB 542 (Munzlinger)
SS for HB 253-Berry, et al (Schmitt)	(In Fiscal Oversight)
(In Fiscal Oversight)	

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 17-Munzlinger and Romine, with HCS, as amended	SS#2 for SCS for SBs 26, 11 & 31-Kraus, with HCS, as amended
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SCS for SB 36-Wallingford and Sifton,
with HA 1
SS for SCS for SB 116-Kraus, with HCS,
as amended

SB 230-Brown, et al, with HA 1

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS,
as amended
SB 23-Parson, with HCS, as amended
SS for SB 34-Cunningham, with HCS,
as amended
SCS for SB 106-Brown, with HA 1, HA 2,
HA 3, HA 4, as amended & HA 5
SCS for SB 117-Kraus, with HCS,
as amended
HCS for HB 1, with SCS (Schaefer)
HCS for HB 2, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)
HCS for HB 6, with SCS, as amended
(Schaefer)

HCS for HB 7, with SCS, as amended
(Schaefer)
HCS for HB 8, with SCS (Schaefer)
HCS for HB 9, with SCS (Schaefer)
HCS for HB 10, with SCS (Schaefer)
HCS for HB 11, with SCS, as amended
(Schaefer)
HCS for HB 12, with SCS (Schaefer)
HCS for HB 13, with SCS (Schaefer)
HB 307-Riddle, et al, with SS for SCS,
as amended (Schmitt)
HCS#2 for HB 698, with SCS, as amended
(Schmitt)
HCS for HJRs 11 & 7, with SS, as amended
(Parson)

Requests to Recede or Grant Conference

SCS for SB 157 & SB 102-Sater, with HCS,
as amended
(Senate requests House
recede or grant conference)

SS for SB 262-Curls, with HCS, as amended
(Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

HCR 7-Pfautsch, et al (Richard)
HCR 16-Walton Gray, et al
(Chappelle-Nadal)
HCR 25-Allen

HCR 28-Lynch, et al
SCR 3-Walsh
SCR 15-Romine

To be Referred

HCS for HCR 17

HCR 34-Houghton, et al

✓

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY—WEDNESDAY, MAY 8, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am in perpetual anxiety lest...an accidental quarrel, a personal insult, an imprudent order...make a breach that can never afterward be healed.” (Benjamin Franklin 1774)

God of mercy, we pray in these closing days that we are known for who and what we are for and not just what we are against. May we trust that You would guide our steps and words to be clearly known for the openness and forgiven nature that we convey to one another and people we serve. So grant us patience and love to willingly protect the reputation and interest of others as we seek to do Your will this day and every day. And we would ask that you provide comfort and grace to Senator Holsman’s family as they hold a vigil for their dying Grandfather. Grant them mercy and remembrance of Your goodness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 930, regarding Julia Mize, which was adopted.

Senator Nasheed offered Senate Resolution No. 931, regarding Kathleen Ratcliffe, which was adopted.

Senator Nasheed offered Senate Resolution No. 932, regarding Gloria L. Taylor, which was adopted.

Senator Nasheed offered Senate Resolution No. 933, regarding Dawn Fuller, which was adopted.

Senator Dempsey offered Senate Resolution No. 934, regarding Johnathan “Jake” Pelikan, St. Charles, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HB 542**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 77**.

With House Amendment No. 1

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 77, Page 1, Line 3 in the Title, by deleting all of said line and inserting in lieu thereof “to children.”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. “Bullying” means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school.** Bullying may consist of **but is not limited to** physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by students on school property, at any school function, or on a school bus. “Cyberbullying” is bullying as defined in this subsection through the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.**

3. Each district’s antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat **all** students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences

for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require, **at a minimum, the following components:**

(1) A statement prohibiting bullying, defined no less inclusive than that in subsection 1 of this section;

(2) A statement requiring district employees to report any instance of bullying of which the employee has firsthand knowledge[. The district policy shall address training of employees in the requirements of the district policy.], **has reasonable cause to suspect that a student has been subject to bullying, or has received a report of bullying from a student. The policy shall be included in the student handbook. The school district administration shall notify the parents or legal guardians of the individual alleged in the report to be responsible for the bullying incident and the parents or legal guardians of the target of the bullying incident;**

(3) A procedure for reporting an act of bullying, including a provision that permits a person to report an act of harassment, intimidation, or bullying anonymously. However, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(4) A procedure for prompt investigation of reports of serious violations and complaints, identifying either the principal or the principal's certified staff designee as the person responsible for the investigation;

(5) The range of ways in which a school will respond once an incident of bullying is confirmed;

(6) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(7) A statement of how the policy is to be publicized;

(8) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including at a minimum the following statements:

(a) The policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members;

(b) The school district annually shall provide information and any appropriate training to the school district staff regarding the policy;

(c) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(d) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying;

(e) The administration of the school district shall implement programs and other initiatives to prevent bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying;

(f) The policy shall be reviewed at least annually for compliance with state and federal law.

5. Any student alleging to be the target of an incident of bullying who has completed all procedures required by the district’s reporting policy and continues to be subjected to bullying shall be informed by the district that he or she may seek other remedies. The information may include but not be limited to informing the target or the target’s parents or legal guardians of the possibility of civil action against the individual alleged to be responsible for the bullying and against the parents or legal guardians of that individual. The target and his or her parents shall also be informed that they may request intervention by any other county, state, or federal agency or office that is empowered to act on behalf of the target.

6. The state board of education is authorized to promulgate rules and regulations to implement this section and shall develop model policies to assist local school districts in developing policies for the prevention of bullying no later than September 1, 2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 330**, entitled:

An Act to repeal sections 331.100, 332.093, 334.104, 334.735, 337.503, 344.040, 346.050, 346.055, 346.085, and 453.070, RSMo, and to enact in lieu thereof nineteen new sections relating to professional licenses.

With House Amendment Nos. 2 and 3.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 330, Page 10, Section 334.104, Line 45, by inserting immediately after the first occurrence of the word “**clinics**” the following

“, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. 1395i-4,”; and

Further amend said bill, Page 14, Section 334.735, Line 24, by deleting all of said line and inserting in lieu thereof the following:

“facility as the] with a supervising physician [sixty-six percent of the time a physician assistant”; and

Further amend said Bill, Page, and Section, Line 32, by deleting the word “**supervision**” and inserting in lieu thereof the word “**supervising**”; and

Further amend said Bill, Page 15, Section 334.735, Line 86, by deleting the phrase “**(2) A**” and inserting

in lieu thereof the phrase “**(2) For a**”; and

Further amend said Bill, Page 16, Section 334.735, Lines 91-92, by deleting all of said lines and inserting in lieu thereof the following:

“to the minimum federal law shall be required [for the physician-physician assistant team in a rural health clinic if a waiver has been granted by the board. However, the board shall be able to void”; and

Further amend said Bill, Page, and Section, Line 114, by deleting the word “**and**”; and

Further amend said Bill, Page, and Section, Line 116, by inserting immediately after the word “perform;” the word “**and**”; and

Further amend said Bill, Page 18, Section 334.735, Line 185, by deleting the first instance of the word “**a**” and inserting in lieu thereof the word “**the**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 330, Page 19, Section 337.503, Line 4, by deleting all of said line and inserting in lieu thereof the following:

“**under this chapter** when promulgating regulations or when”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 9**, entitled:

An Act to repeal sections 178.550, 192.300, 196.311, 267.655, 304.180, 304.184, 348.521, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof seventeen new sections relating to agriculture, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 20, Section 578.012, Line 13, by inserting after all of said section and line the following:

“644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the

commission.

Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 10, Section 262.795, Line 13, by inserting after all of said section and line, the following:

“262.975. 1. The department of agriculture may contract with an internet website development company to build and maintain the “Missouri International Agricultural Exchange” website. Such website shall contain content approved by the department to promote Missouri agricultural products and services to international agricultural buyers.

2. The exchange shall allow Missouri-based agricultural sellers to post their products produced in this state on the website at no charge to assist in marketing such products to international buyers. All sellers shall be required to register through the website and show proof of Missouri residency and other information as required by the department. Except for advertising under subdivision (2) of subsection 3 of this section, only agricultural products and services produced in this state shall be allowed on the exchange website.

3. The state of Missouri shall have exclusive rights of ownership of all website content produced on the Missouri international agricultural exchange website, including but not limited to all creative materials, copyrights, photographs, or illustrations contained on the website. Subject to department approval, the website developer is authorized to:

(1) Use all informational content provided by the department of agriculture, add to such content, and apply search engine optimization to the website content to achieve a high search engine ranking;

(2) Sell advertising on the exchange website to any entity that will benefit from marketing to international agriculture producers and buyers. The website developer shall be solely responsible for all costs associated with the development, marketing, and maintenance of the exchange website, with the website developer retaining all advertising revenues obtained from such exchange website to provide the financing for such exchange website;

(3) Prohibit the sale of advertising to any entity on the exchange website that is not related to agriculture or furthers the interest of hate content, obscenity and sexual material, bombs, spyware, adult content, political content, antigroup content and violence, discrimination, political campaigns or causes, public advocacy or lobbying, copyrighted works, counterfeit designer goods, drug and drug paraphernalia, fake documents, gambling, hacking and cracking sites, miracle cures, prostitution, scams, phishing for personal information, tobacco and cigarettes and traffic devices, and other types of advertising deemed not appropriate by the director; and

(4) Ensure that all website content shall be named a “.com” domain to allow for advertisement.

4. The website developer shall:

(1) Have proven experience and expertise in search engine optimization, as determined by the department or the department of economic development;

(2) Provide evidence of prior website development projects produced by the website developer which increased search engine rankings for the client.

5. The department of agriculture, in consultation with the department of economic development, shall review all applications and award one annual contract for the development, design, marketing, and maintenance of the exchange website, with annual renewals for continuing upgrades, marketing, and maintenance of the website. The department of agriculture shall have the authority to terminate any contract under this section at the department's discretion. Any website developer under contract with the department of agriculture may have a contract terminated for failure to operate under the department's guidelines for the exchange website. If a contract is terminated, the department shall immediately assume ownership of all site-related domain names. If a contract is terminated, the department shall award a new contract in accordance with the procedures for awarding the initial contract under this section.

6. The department of agriculture may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 1, Section A, Line 5, by inserting immediately after said line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2019. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed three million dollars in any given fiscal year.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

“**135.1590. 1. This section shall be known and may be cited as the “Show-Me Milk and Infrastructure Stabilization Act”.**

2. As used in this section, the following terms mean:

(1) “Authority”, the Missouri agricultural and small business development authority established in chapter 348;

(2) “Qualified milk producer”, any resident taxpayer actively engaged in business as a producer of grade A milk.

3. For all taxable years beginning on or after January 1, 2013, a qualified milk producer shall be allowed a tax credit against the state tax liability incurred under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265,

in an amount equal to the total aggregate allowable credit per year divided by the number of qualified grade A dairies as determined by the Missouri state milk board. The maximum credit allowed to a qualified milk producer shall not exceed twenty-five thousand dollars per year.

4. Taxpayers shall apply for the milk production tax credit by submitting an application to the authority, on a form provided by the authority. As part of the application, the taxpayer shall provide his or her producer identification number and documentation as to the amount of milk produced by his or her operation during the tax credit allowance period.

5. On or before January 1, 2016, the authority shall issue a report, and make such report available for public inspection, on the total number of pounds of milk produced by each qualified milk producer in each of the three preceding calendar years.

6. The total aggregate amount of tax credits authorized under this section shall not exceed five million dollars in a calendar year.

7. Any individual or business entity may assign, transfer, or sell tax credits allowed in this section. All tax credits allowed under this section must be used in the year in which they are issued. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders.

8. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after January 1, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 2, Line 17, by inserting after all of said line the following:

“Further amend said bill, Pages 4-5, Section 192.300, Lines 1-35, by deleting all of said section and lines

from the bill and inserting in lieu thereof the following:

“192.300. **1.** The county commissions [and], **with approval of** the county health center boards of the several counties, may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter, **or by the department of natural resources under chapters 640, 643, and 644,** or by the department of social services under chapter 198. The county commissions [and] , **with the approval of** the county health center boards of the several counties, may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission [or],**with the approval of the** county health board, such commission [or],**with the approval of the** county health board, shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission [or],**with the approval of the** county health board of any such county, has full power and authority to initiate the prosecution of any action under this section.

2. In regards to any orders, ordinances, rules, or regulations pertaining to the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, the county commission, with approval of the county health center board, shall:

(1) Not assess a fee greater than two hundred dollars to carry out such orders, ordinances, rules, or regulations; or

(2) Not impose requirements on land application that are more stringent than imposed by a permit issued by the department of natural resources.

3. Any orders, ordinances, rules, or regulations pertaining to the production or raising of livestock, adopted by the county commission, with approval of the county health center board, shall be administered by county staff who are certified as concentrated animal feeding operators by the department of natural resources.”; and

Further amend said bill, Page 10, Section 262.795, Line 2, by deleting the word “**agricultural**” and inserting in lieu thereof the word “**agriculture**”; and

Further amend said bill and page, Section 267.655, Line 3 by inserting immediately after the first occurrence of the word “**the**” the word “**department**”; and

Further amend said bill, Pages 11-15, Sections 304.180 and 304.184, by deleting all of said sections from the bill; and

Further amend said bill, Page 15, Section 442.571, Line 4, by deleting the words “**one-half of**”; and

Further amend said bill, page, section and line, by inserting after the word “**no**” the word “**such**”; and

Further amend said bill and section, Page 16, Line 13, by inserting after the word “**All**” the word “**such**”; and

Further amend said bill and section, Page 16, Line 16, by deleting the words “**one-half of**”; and

Further amend said bill, Page 18, Section 570.030, Line 37, by placing an opening bracket “[“ before the word “**Any**”; and

Further amend said bill, page and section, Line 38, by placing a closing bracket “]” immediately after “**(k)**”; and

Further amend said bill, section, and page by renumbering the paragraphs accordingly; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

“44.080. 1. Each political subdivision of this state shall establish a local organization for disaster planning in accordance with the state emergency operations plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall be responsible for the performance of emergency management functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of this law.

2. In carrying out the provisions of this law, each political subdivision may:

(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state governments; [and]

(2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation[.]; and

(3) Adopt orders or resolutions with penalties as these specifically relate to the actual or impending occurrence of a natural disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized. Such orders or resolutions may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 if the U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought. The political subdivision may consult the state fire marshal regarding the necessity for a burn ban order. The violations of such order or resolution shall be an infraction, except that state agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be

affected by the issuance of a burn ban order.

49.266. 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. The county commission in all counties may, by order, promulgate reasonable regulations concerning its emergency management functions and operations and conditions controls, as they specifically relate to the actual occurrence of a natural disaster within the county when the safety or welfare of the inhabitants of such county are threatened by actual or impending circumstances. The regulations may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 and monetary fines as established by the county commission, if the U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought. The political subdivision may consult the state fire marshal regarding the necessity for a burn ban order. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order.

3. Violation of any regulation so adopted is an infraction or may be as provided in subsection 2 of section 44.130 as specified in the adopted regulation.

[3.] **4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 148**, entitled:

An Act to repeal sections 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute for senate bill no. 568, merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and 301.193, RSMo, and to enact in lieu thereof three new sections relating to salvage motor vehicles.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 148, Page 1, Section A, Line 11, by inserting immediately after said line the following:

“137.090. 1. All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.095. 1. The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term “based” means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 43**, entitled:

An Act to repeal sections 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee

substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.180, and 304.820, RSMo, and to enact in lieu thereof seven new sections relating to commercial motor vehicles, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 43, Page 23, Section 304.820, Line 59, by inserting after all of said line the following:

“565.087. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, “mass transit system” includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system in the first degree is a class B felony.

565.088. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to an employee of a mass transit system while in the scope of his or her duties;

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties;

(5) Acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, “mass transit system” includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the second degree is a class C felony unless committed under subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class D felony.

565.089. 1. A person commits the crime of assault of an employee of a mass transit system while

in the scope of his or her duties in the third degree if:

(1) Such person recklessly causes physical injury to an employee of a mass transit system while in the scope of his or her duties;

(2) Such person purposely places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with an employee of a mass transit system while in the scope of his or her duties without the consent of the employee of the mass transit system.

2. As used in this section, “mass transit system” includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the third degree is a class B misdemeanor.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 43, Page 17, Section 302.755, Line 78, by inserting immediately after said line the following:

“ 302.767. Notwithstanding sections 302.700, 302.720, 302.735, 302.740, 302.755 to the contrary, the department of revenue shall have until July 8, 2015, to comply with the provisions of 49 CFR 383, 384, and 385 pertaining to the commercial driver’s license testing and commercial learner’s permit standards rule issued by the federal motor carrier safety administration.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 43, Page 1, Section A, Line 10, by inserting after all of said section and line, the following:

“302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until

such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents

or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of [subdivisions (9) and (10)] **subdivision (9) or (10)** of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

[302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not

issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.]"; and

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

- (3) Leaving the scene of an accident in violation of section 577.060 12 points
 In violation of any county or municipal ordinance 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016 4 points
 In violation of a county or municipal ordinance 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
- (a) For the first conviction 2 points
 (b) For the second conviction 4 points
 (c) For the third conviction 6 points
- (6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points
- (7) Obtaining a license by misrepresentation 12 points
- (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points
- (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
 In violation of state law 8 points
 In violation of a county or municipal ordinance or federal law or regulation 8 points
- (11) Any felony involving the use of a motor vehicle 12 points
- (12) Knowingly permitting unlicensed operator to operate a motor vehicle. 4 points
- (13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025 4 points
- (14) Endangerment of a highway worker in violation of section 304.585 4 points
- (15) Aggravated endangerment of a highway worker in violation of section 304.585 12 points
- (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency 4 points
2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. **The operator shall be given the option to complete the driver-improvement program through an online or in-person course.** A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day]. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of restricted driving privilege [without any such violations].

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed

proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs

assessment as described in subdivision [(22)] **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a [violation under subdivision (9) of subsection 1 of section 302.302] **conviction for an intoxication-related traffic offense as defined under section 577.023, and who has a prior alcohol-related enforcement contact as defined under section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition

interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

[302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's

driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or

privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental

health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.]”; and

“[302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person’s reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator’s principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant’s driving record as certified by the director. Any

applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7),

(8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or the director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding three years, the court or the director shall not grant a limited driving privilege to the applicant.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present

evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding two years, the court or the director shall not grant a limited driving privilege to the applicant. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. Any person who petitions a court or makes application with the director for a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of subsection 3 of this section shall make application with the Missouri state highway patrol as provided in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for limited driving privileges. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

6. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are

subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.]

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, **except as provided under subdivision (8) of this subsection**. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator[;],

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions

of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege [who] **whose license** at the time of application [for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license] has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of **subsection 1 of** section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for [the first time for] failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, [if] **unless** such person has [not] completed the first ninety days of such revocation[;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of

any other state] **and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege;**

[(g)] (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

[(h)] (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of **subsection 1 of** section 302.060, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of **subsection 1 of** section 302.060, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. **A circuit court shall grant a limited driving privilege to any individual**

who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.”; and

“302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle [operated] **that he or she operates** is equipped with a functioning,

certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day]. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, [upon] compliance with other requirements of law, and [upon] filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of restricted driving privilege [without any such violations]. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department

of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

[302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not

exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.]]"; and

Further amend said bill, Page 23, Section 304.820, Line 59, by inserting after all of said section and line, the following:

"476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the central violations bureau, shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of

section 302.302, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. By paying the fine and costs, the person also consents to attendance **either online or in person** at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665; and may be subject to suspension of driving privileges in the manner provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.”; and

“577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person’s license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person’s right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer’s report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person’s operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a

period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision [(23)] **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs

assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked [more than once for violation of the provisions of this section] **under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance

with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor."; and

"Section B. Because immediate action is necessary to ensure the safety of the citizens of this state, the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs.

Section C. The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525, 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall become effective on March 3, 2014."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 43, Page 23, Section 304.820, Line 59, by inserting after all of said section and line the following:

"Section 1. 1. Any state department or agency that owns or licenses computerized data that includes personal information shall disclose any breach of the security of the system following notification of the breach in the security of such data to any resident of Missouri whose unencrypted or encrypted personal information was or is reasonably believed to have been acquired by an unauthorized person. Such disclosure shall be made in the most expedient time possible and without unreasonable delay.

2. Any state department or agency that maintains computerized data that includes personal information that the state department or agency does not own shall notify the owner or licensee of such personal information of any breach of the security of the data immediately following discovery, if the personal information was or is reasonably believed to have been acquired by an unauthorized person.

3. For purposes of this section, the following terms shall mean:

(1) "Breach of the security of the system", unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the state department or agency. Good faith acquisition of personal information by an employee or agent of the state department or agency for the purposes of the state department or agency is not a breach of the security of the system, provided that the personal information is not used or subject to further unauthorized disclosure;

(2) "Personal information", an individual's first name or first initial and last name, in combination with any one or more of the following data elements:

(a) Social Security number;

(b) Driver's license number or Missouri identification card number;

(c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account;

(d) Concealed carry endorsement or permit;

(3) "Unauthorized person", any person or agency who does not have written permission by a Missouri resident to access such resident's personal information.

4. For purposes of this section, a state department or agency includes any entity contracting with a state department or agency.

5. (1) For purposes of this section, notice shall be provided in writing to the Missouri resident within five business days of discovery of the breach.

(2) The provisions of this section include breaches made by any state department or agency prior to the effective date of this section. The notice for any breach which occurred prior to the effective date of this section shall be provided to the Missouri resident within thirty days of the effective date of this section.

6. Notwithstanding any other provision of law, nothing in this section shall be construed as authorizing the disclosure or release of any personal information by any state department or agency."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 43, Page 23, Section 304.820, Line 59, by inserting after said line the following:

"Section 1. The portion of interstate highway 70 in Montgomery County between mile marker 165.0 and 166.0 shall be designated the "Graham's Picnic Rock Highway". The department of transportation shall erect and maintain appropriate signs designating such highway. The signs shall not be erected until the next lane widening or pavement replacement project within that portion of the highway."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 47**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Wallingford moved that the Senate refuse to concur in **HA 1** to **SCS** for **SB 36** and request the House to recede from its position and take up and pass the bill, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 17**, as amended, and

request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Pearce moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 9**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Wasson moved that the Senate refuse to concur in **HCS** for **SB 330**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 106**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 106, with House Amendments Nos. 1, 2, and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4 as amended, and House Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 106, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 106;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 106 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Brown
/s/ David Pearce
/s/ Will Kraus
/s/ Scott Sifton
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Charlie Davis
/s/ Sheila Solon
/s/ T.J. McKenna

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Walsh—30		

NAYS—Senators—None

Absent—Senators

Dempsey Wallingford Wasson—3

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Brown, **CCS** for **SCS** for **SB 106**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106

An Act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof six new sections relating to current and former military personnel.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Walsh—31	

NAYS—Senators—None

Absent—Senators

Wallingford Wasson—2

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SB 43**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Kraus, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 117**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute

for Senate Bill No. 117, with House Amendment Nos. 1 & 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4, and House Amendment No. 4, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117, as amended;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 117;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 117 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Will Kraus

/s/ Dan Brown

/s/ David Pearce

/s/ Jolie L. Justus

/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Charlie Davis

/s/ Dean Dohrman

/s/ Stephen Webber

Senator Kraus moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Walsh—31	

NAYS—Senators—None

Absent—Senators

Wallingford Wasson—2

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Kraus, **CCS** for **HCS** for **SCS** for **SB 117**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117**

An Act to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof four new sections relating to military affairs.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
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Keaveny	Kehoe	Kraus	Lager	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Lamping Wallingford—2

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 17**, with **SCS**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2013 and ending June 30, 2015.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 17

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2013 and ending June 30, 2015.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 17** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp

Sater Schaaf Schaefer Schmitt Sifton Walsh Wasson—31

NAYS—Senators—None

Absent—Senators

Silvey Wallingford—2

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Nieves assumed the Chair.

HB 18, introduced by Representative Stream, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Was taken up by Senator Schaefer.

SCS for **HB 18**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 18

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Was taken up.

Senator Schaefer moved that **SCS** for **HB 18** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HB 18** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown Chappelle-Nadal Cunningham Curls Dempsey Dixon Emery Justus

Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 19**, with SCS, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 19**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 19** be adopted.

Senator Schaefer offered **SS** for **SCS** for **HCS** for **HB 19**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

An Act to appropriate money for purposes for the several departments and offices of state government;

for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 19** be adopted, which motion prevailed.

Senator Justus requested unanimous consent of the Senate to allow a law enforcement officer to enter the Chamber with side arms, which request was granted.

On motion of Senator Schaefer, **SS** for **SCS** for **HCS** for **HB 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Sifton	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Kraus	Nasheed	Nieves	Silvey—4
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Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silence in memory of Harold Raymond “Sam” Myers.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 210**, introduced by Senator Lamping, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 210

An Act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof five new sections relating to the common core state standards initiative, with an emergency clause.

Was taken up.

On motion of Senator Lamping, **SS** for **SCS** for **SB 210** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Justus	Keaveny	Kehoe
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Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—30		

NAYS—Senators

Chappelle-Nadal Curls Walsh—3

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Justus	Keaveny	Kehoe
Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Silvey	Wallingford	Wasson—28				

NAYS—Senators

Chappelle-Nadal Curls Sifton Walsh—4

Absent—Senator Kraus—1

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 411, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 411**

An Act to repeal sections 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and section 302.700 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480 merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, and to enact in lieu thereof six

new sections relating to the operation of commercial motor vehicles, with an existing penalty provision.

Was called from the Informal Calendar and taken up by Senator Kehoe.

On motion of Senator Kehoe, **SCS for SB 411** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Munzlinger moved that **SS for SCS for HB 542**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HB 542, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator McKenna—1

Absent—Senator Justus—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Photographers from ABC-17 were given permission to take pictures in the Senate Chamber.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HCR 17** and **HCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 114**.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 2, Line 41, by inserting after all of said line, the following:

“(3) Notwithstanding the provisions of subdivision (1) of this subsection, a small brewer may terminate or refuse to continue a franchise with any beer wholesaler without having good cause for termination after a three year period from the date of appointment provided the small brewer first pays compensation to the wholesaler for fair market value. Notwithstanding any provision of this section to the contrary, for purposes of this subsection, the term “brewer” shall mean any person or entity engaged primarily in business as a brewer or manufacturer of beer, and the term “small brewer” shall mean a brewer with an annual volume of less than two hundred thousand barrels of malt beverage and whose case equivalent sales of twenty-four--twelve ounce units in the affected wholesaler’s assigned geographic territory is less than .017 during the measuring period. “Case equivalent sales” means the product derived by dividing the number of cases of twenty-four—twelve ounce units of the brewer’s malt beverage sold by the wholesaler during the measuring period by the total population in the wholesaler’s assigned geographic territory. For the purposes of this subsection, the term “measuring period” shall mean the twelve month calendar period immediately before the date on which the wholesaler receives notice of the termination or refusal to continue the franchise. Prior to the effective date of the termination or refusal to continue, the small brewer shall pay the wholesaler an amount equal to the fair market value of the distribution rights which will be lost or diminished by reason of the termination or refusal to continue the franchise plus the actual laid in cost of any inventory on hand and any costs associated with storage of the product until removed by the brewer. For purposes of this subsection, “fair market value” shall be determined in accordance with the provisions of the written agreement, if any, between the brewer and wholesaler, or if the written agreement between them does not specify how fair market value is determined, then “fair market value” shall be determined by agreement of the brewer and wholesaler. However, if the parties cannot so determine within thirty days after the notice of termination or refusal to continue the franchise, then the matter shall be submitted to mandatory arbitration before a panel of three neutral arbitrators conducted pursuant to chapter 435 or the Federal Arbitration Act, if the latter

so applies, with the parties to the arbitration each to bear their own attorneys' fees and costs of the arbitration. Unless otherwise agreed to by the parties after the dispute arises, the arbitration proceedings shall be conducted in the wholesaler's assigned territory. For the purpose of this subsection, the term "annual volume" shall mean: (1) the aggregate number of barrels of beer, under trademarks owned by that brewery and brewed, directly or indirectly, by or on behalf of the brewer during the measuring period, on a worldwide basis, plus (2) the aggregate number of barrels of beer brewed, during the measuring period, directly or indirectly, by or on behalf of any person or entity which, at any time during the measuring period, controlled, was controlled by or was under common control with the brewer, on a worldwide basis. Annual volume shall not include beer brewed under contract for any other brewer. There shall be no double counting of the same barrels of beer under clauses one and two of this subparagraph. Nothing contained in this subsection shall relieve a brewer from the obligation to satisfy the notice requirements set forth in section 407.405."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 7, Section 316.150, Line 18, by inserting after all of said section and line, the following:

"407.400. As used in sections 407.400 to 407.420:

(1) "Franchise" means a written or oral arrangement for a definite or indefinite period, in which a person grants to another person a license to use a trade name, trademark, service mark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise[, including]; **"franchise" specifically includes, but is not limited to, a commercial relationship of definite duration or continuing indefinite duration, between a "wholesaler", such wholesaler being a person as defined in this section, licensed pursuant to the provisions of chapter 311 to sell at wholesale, intoxicating liquor, as defined in section 311.020, to retailers, duly licensed in this state, and a "supplier", being a person engaged in the business as a manufacturer, distiller, rectifier or out-of-state solicitor whose brands of intoxicating liquor are distributed through duly licensed wholesalers in this state, and wherein a wholesaler is granted the right to offer, sell, and distribute within this state or any designated area thereof such of the supplier's brands of intoxicating liquor, or all of them, as may be specified, with or without the grant of a license to use a trade name, trademark, service mark, or related characteristic, and whether or not there is a community of interest in the marketing of goods or services;** except that, the term "franchise" shall not apply to persons engaged in sales from warehouses or like places of storage, other than wholesalers as above described, leased departments of retail stores, places of original manufacture, nor shall the term "franchise" apply to a commercial relationship that does not contemplate the establishment or maintenance of a place of business within the state of Missouri. As used herein "place of business" means a fixed, geographical location at which goods, products or services are displayed or demonstrated for sale. **It is the general assembly's intent to make clear that this subdivision was correctly interpreted as set forth in the Missouri cases of High Life Sales Company v. Brown-Forman Corporation, 823 S.W.2d 493(Mo. 1992) and Brown-Forman Distillers Corp. v McHenry, 566 S.W.2d 194 (Mo. 1978), rather than in Missouri Beverage Company, Inc. v. Shelton Brothers, Inc., 796 F. Supp. 2d 988 (W.D. Mo. 2011), aff'd. 11-2456 (8th Cir. February 28, 2012). Further, the general assembly declares that this subdivision was not correctly interpreted in Missouri Beverage Company, Inc. v Shelton Brothers, Inc., 796 F. Supp 2d 988 (W.D. Mo. 2011), aff'd 11-2456 (8th Cir. February**

28, 2012);

(2) The term “goods” includes any personal property, real property, or any combination thereof;

(3) The term “other property” includes a franchise, license distributorship, or other similar right, privilege, or interest;

(4) The term “person” includes an individual, corporation, trust, estate, partnership, unincorporated association, or any other legal or commercial entity;

(5) The term “pyramid sales scheme” includes any plan or operation for the sale or distribution of goods, services or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit, which is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers, and is based upon the inducement of additional persons, by himself or herself or others, regardless of number, to participate in the same plan or operation; and

(6) The term “sale or distribution” includes the acts of leasing, renting or consigning.

407.413. 1. If more than one franchise for the same brand or brands of intoxicating liquor is granted to different wholesalers in this state, it is a violation of sections 407.400 to 407.420 for any supplier to discriminate between the wholesalers with respect to any of the terms, provisions, and conditions of these franchises.

2. (1) Notwithstanding the terms, provisions and conditions of any franchise, no supplier shall unilaterally terminate or refuse to continue or change substantially the condition of any franchise with the wholesaler unless the supplier has first established good cause for such termination, noncontinuance or change.

(2) **This subsection does not apply to a “supplier”, being a person engaged in the business as a manufacturer, distiller, rectifier, or out-of-state solicitor whose brands of intoxicating liquor are distributed through duly licensed wholesalers in this state who sells less than ten thousand cases of distilled spirits in the state, or who sells less than ten thousand cases of wine in the state, the volume thresholds being measured for the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncontinuance, or change, provided such supplier of distilled spirits shall be obligated nevertheless, prior to the effective date of the termination, noncontinuance, or change, to pay to the wholesaler an amount equal to the fair market value of the distribution rights which will be lost or diminished by reason of the termination, noncontinuance, or change, including without limitation the actual laid in cost of any inventory on hand, and provided further that this exception shall only apply to a termination, noncontinuance, or change concerning distilled spirits that is less than the volume threshold set forth in this sentence. The exception in the preceding sentence shall not affect a supplier’s obligation to satisfy the notice requirements set forth in section 407.405. For purposes of this subsection, “fair market value” shall be determined in accordance with the provisions of the written agreement, if any, between the supplier and wholesaler, or if the written agreement between them does not specify how fair market value is determined, then for a supplier of distilled spirits that sells less than ten thousand cases of distilled spirits in the state in the twelve months immediately preceding the date on which the wholesaler receives notice of the termination, noncompliance, or change, “fair market value” shall be determined by agreement of the supplier and wholesaler, but if the parties cannot so determine within thirty days after the notice, then**

the matter shall be submitted to mandatory arbitration before a panel of three neutral arbitrators conducted pursuant to chapter 435 or the Federal Arbitration Act if the latter so applies, with the parties to the arbitration each to bear their own attorneys' fees and costs of the arbitration.

3. Any wholesaler may bring an action in a court of competent jurisdiction against a supplier for violation of any of the provisions of this section and may recover damages sustained by such wholesaler together with the costs of the action and reasonable attorney's fees.

4. In any action brought by a wholesaler against a supplier for termination, noncontinuance or substantial change in violation of the provisions of this section, it is a complete defense for the supplier to prove that the termination, noncontinuance or change was done in good faith and for good cause.

5. As used in this section, "good faith" is the duty of each party to any franchise and all officers, employees or agents thereof to act in a fair and equitable manner towards each other, and "good cause" means the following:

(1) Failure by the wholesaler to comply substantially with the provisions of an agreement or understanding with the supplier, which provisions are both essential and reasonable;

(2) Use of bad faith or failure to observe reasonable commercial standards of fair dealing in the trade;
or

(3) Revocation or suspension for more than thirty-one days of a beer wholesaler's federal basic permit or of any state or local license required of a beer wholesaler for the normal operation of its business.

6. As to brewers and beer wholesalers, the provisions of this section shall only apply to agreements entered into on or after August 28, 1998, and to agreements which are renewed or substantially amended on or after August 28, 1998. As used in the preceding sentence, "substantially amended" means a written amendment that materially alters the fundamental business relationship between brewer and wholesaler. "Substantially amended" does not include changes or amendments that are contemplated in writing by the parties to an agreement."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HJR**s **11** and **7**, as amended, and has taken up and passed **CCS** for **SS** for **HCS** for **HJR**s **11** and **7**.

On motion of Senator Richard, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 935, regarding Carol J. Voss, which was adopted.

Senator Nieves offered Senate Resolution No. 936, regarding the Fiftieth Anniversary of the Holy

Trinity Lutheran Church, Saint Clair, which was adopted.

Senator Nieves offered Senate Resolution No. 937, regarding Justin Campbell Broadbooks, Wildwood, which was adopted.

Senator Wasson offered Senate Resolution No. 938, regarding Betty Walker, Strafford, which was adopted.

Senator Libla offered Senate Resolution No. 939, regarding Cremer Jackson, Kennett, which was adopted.

Senator Cunningham offered Senate Resolution No. 940, regarding Rod Gorman, Rogersville, which was adopted.

Senator Romine offered Senate Resolution No. 941, regarding Janice L. Robinson, Festus, which was adopted.

Senator Schaaf offered Senate Resolution No. 942, regarding Kaystin Weisenberger, Columbia, which was adopted.

Senator Lamping offered Senate Resolution No. 943, regarding Madeline Miles Nathe, St. Louis, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Lamping moved that **HCS** for **HB 199** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Lamping offered **SS** for **HCS** for **HB 199**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 199

An Act to repeal 32.087, 77.030, 115.003, 115.005, 115.007, 115.121, 115.249, 115.259, 115.281, 115.299, 115.300, 115.341, 115.349, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.607, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 190.335, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with an effective date for certain sections and an emergency clause for a certain sections.

Senator Lamping moved that **SS** for **HCS** for **HB 199** be adopted.

Senator Kraus assumed the Chair.

Senator Kehoe assumed the Chair.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 199, Page 16, Section 115.007, Line 9, by inserting immediately after said line the following:

“115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members

of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. The governor shall not make any appointment, during the legislative interim, to the board of election commissioners in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 199, Page 57, Section 190.335, Line 2, by inserting after all of said line the following:

“198.310. 1. For the purpose of purchasing nursing home district sites, erecting nursing homes and related facilities and furnishing the same, building additions to and repairing old buildings, the board of directors may borrow money and issue bonds for the payment thereof in the manner provided herein. The question of the loan shall be submitted by an order of the board of directors of the district. Notice of the submission of the question, the amount and the purpose of the loan shall be given as provided in section 198.250.

2. The question shall be submitted in substantially the following form:

Shall the Nursing Home District borrow money in the amount of dollars for the purpose of and issue bonds in payment thereof?

3. If [two-thirds] **constitutionally required percentage** the votes cast are for the loan, the board shall, subject to the restrictions of subsection 4, be vested with the power to borrow money in the name of the district, to the amount and for the purposes specified on the ballot, and issue the bonds of the district for the payment thereof.

4. The loans authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the loan shall at no time exceed, including the existing indebtedness of the district, in the aggregate, ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes, the rate of interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract; when effected, it shall be the duty of the directors to provide for the collection of an annual tax sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the

principal becomes due.

198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining apartments for seniors that provide at a minimum housing[, **and** services[, and emergency call buttons to the apartment residents] in any county of the third **or fourth** classification [without a township form of government and with more than twenty-eight thousand two hundred but fewer than twenty-eight thousand three hundred inhabitants or any county of the third classification without a township form of government and with more than nine thousand five hundred fifty but fewer than nine thousand six hundred fifty inhabitants] **within its corporate limits**. Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.”; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 199, Page 16, Section 115.121, Lines 13-14 of said page, by striking all of the opening brackets “[”, closing brackets “]” and underlined language from said lines; and

Further amend said bill, page 22, section 115.341, lines 17-20 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 22-24, section 115.349, by striking all of said section from the bill; and

Further amend said bill, page 60, section B, lines 24-25, by striking all of said section from the bill; and further amend said bill, and page, section C, line 26, by striking the “C”, and inserting in lieu thereof the following: “B”; and

further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Lamping requested a roll call vote be taken on the adoption of **SA 3**. He was joined in his request by Senators McKenna, Richard, Schaefer and Sifton.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dixon	Justus	Keaveny	Kraus	LeVota	McKenna
Pearce	Schaaf	Sifton	Wallingford	Walsh—13			

NAYS—Senators

Brown	Cunningham	Dempsey	Emery	Kehoe	Lager	Lamping	Libla
Munzlinger	Nasheed	Nieves	Parson	Richard	Romine	Rupp	Sater
Schaefer	Schmitt	Silvey	Wasson—20				

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

Senator Schmitt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 199, Page 61, Section C, Line 1, by inserting after the word “community”, the following: “, because of the need to ensure fair representation on boards of election commissioners”; and further amend line 6, by inserting after the number “32.087”, the following: “, 115.027”; and further amend line 12, by inserting after the number “32.087”, the following: “, 115.027”.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 199, Page 2, Section A, Line 2, by inserting after all of said line the following:

“26.226. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such election shall be held at the next general election. The candidates for the election shall be nominated and placed on the ballot in accordance with the provisions of sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant until such impeachment is determined. If acquitted, the lieutenant governor shall be reinstated in office. During any period of time when the office of lieutenant governor is vacant, the chief administrative assistant of the vacating lieutenant governor shall perform all ministerial duties during the period of such vacancy, provided however, that any duties of the lieutenant governor as president of the senate shall be performed by the president pro tempore of the senate during the period of such vacancy.”; and

Further amend said bill, page 61, Section C, line 1 by inserting after the word “community” the following: “, because of the need to determine how to fill a vacancy in the office of lieutenant governor”; and further amend line 8 by inserting after the word “sections” the following: “26.226,”; and further amend line 14 by inserting after the word “sections” the following: “26.226,”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Lamping offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 199, Pages 12-13, Section 77.030, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Sater offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 199, Page 13, Section 77.030, Line 15, by inserting immediately after said line, the following:

“78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.

(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.

(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words “Vote for (number to be elected)”. The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.”; and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Lamping moved that **SS for HCS for HB 199**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SS for HCS for HB 199**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Keaveny	Kehoe
Lager	Lamping	Libla	Munzlinger	Nasheed	Nieves	Parson	Richard
Romine	Sater	Schaaf	Schaefer	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Curls	Justus	Kraus	LeVota	McKenna	Pearce	Sifton	Walsh—8
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Absent—Senators

Rupp	Schmitt—2
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Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Keaveny	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Silvey	Wallingford

Wasson—25

NAYS—Senators

Chappelle-Nadal	Curls	Justus	McKenna	Sifton	Walsh—6
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Absent—Senators

Rupp	Schmitt—2
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Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 168**; **SS** for **HB 253**; and **SCS** for **SB 378**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Parson, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 23**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 23

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 23, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4, 5, 6, 7, 8, 9, House Amendment No. 1 to House Amendment No. 11, House

Amendment No. 11 as amended, House Amendment Nos. 12, 13, 14, 16, 17, 18, 19, House Substitute Amendment No. 1 for House Amendment No. 20, House Amendment Nos. 21, 22, 23, & 24, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 23, as amended;

2. That the Senate recede from its position on Senate Bill No. 23;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 23 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael Parson

/s/ Mike Kehoe

/s/ Mike Cunningham

Jolie Justus

/s/ S. Kiki Curls

FOR THE HOUSE:

/s/ Caleb Jones

/s/ Lincoln Hough

John Rizzo

Senator Parson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Kraus—1

Absent—Senator Schmitt—1

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Parson, CCS for HCS for SB 23, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 23**

An Act to repeal sections 32.087, 33.080, 64.196, 67.1010, 71.285, 99.845, 137.090, 137.095, 137.720, 137.1018, 144.010, 144.020, 144.021, 144.030, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.605, 144.610, 144.613, 144.615, 169.270, 169.291, 169.301, 169.324, 169.350, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 198.345, 302.302, 302.341, 360.045, 374.150, 476.385, and 577.041, RSMo, and 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute no. 2

for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof sixty new sections relating to taxation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Kraus Nasheed—2

Absent—Senator Schmitt—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Chappelle-Nadal—1

Absent—Senators

Nasheed Schmitt—2

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Wasson moved that **SB 148**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 148**, as amended, was taken up.

Senator Wasson moved that **HCS** for **SB 148**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Wasson, **HCS** for **148**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kraus moved that **SS** for **SCS** for **SB 116**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 116**, as amended, was taken up.

Senator Kraus moved that **HCS** for **SS** for **SCS** for **SB 116**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Kraus, **HCS** for **SS** for **SCS** for **SB 116**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Brown moved that **SB 230**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Brown moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Brown, **SB 230**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Pearce assumed the Chair.

Senator Kehoe assumed the Chair.

Senator Parson, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HJR**s **11** and **7**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NOS. 11 & 7

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, with Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, as amended;

2. That the House recede from its position on House Committee Substitute for House Joint Resolution Nos. 11 & 7;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jason Smith

/s/ Bill Reiboldt

/s/ Linda Black

FOR THE SENATE:

/s/ Mike Parson

/s/ Brian Munzlinger

/s/ Dan W. Brown, Sr.

Jolie Justus

Scott Sifton

Senator Parson moved that the above conference committee report be adopted.

At the request of Senator Parson, the above motion was withdrawn, which placed the bill back on the calendar.

Senator Pearce assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 248**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 248, Page 4, Section 67.457, Line 127, by inserting after all of said line the following:

“67.463. 1. At the hearing to consider the proposed improvements and assessments, the governing body shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the governing body of the city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

2. After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the city clerk or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in annual installments as provided in subsection 4 of this section.

4. The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure prescribed in subsection 2 of section 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment ordinance or resolution unless such ordinance or resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section 108.170. Interest on the assessment between the effective date of the ordinance or resolution assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. In the case of a special assessment by a city, all of the installments, together with the interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

5. Special assessments shall be collected and paid over to the city treasurer or county treasurer in the same manner as taxes of the city or county are collected and paid. In any **county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and any** county of the first classification with more than one hundred thirty-five thousand four

hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, the county collector may collect a fee as prescribed by section 52.260 for collection of assessments under this section.

67.469. A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or [by judicial foreclosure proceeding], **if applicable to that county, chapter 141, or** at the option of the governing body, **by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 248, Page 4, Section 67.457, Line 127, by inserting after all of said Section and Line the following:

“67.469. A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or [by judicial foreclosure proceeding], **if applicable to that county, chapter 141, or** at the option of the governing body, **by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.

67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District (“District”) shall be authorized to levy special assessments against real property benefitted within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal

descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefitted in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861. Notwithstanding the provisions of this subsection and section 67.1541 to the contrary, [in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants,] the county collector may, upon certification by the district for collection, add each special assessment to the annual real estate tax bill for the property and collect the assessment in the same manner the collector uses for real estate taxes. [In said counties, each] **Any** special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale under chapter 140 or, if applicable to that county, chapter 141.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.

140.050. 1. Except as provided in section 52.361, the county clerk shall file the delinquent lists in the county clerk's office and within ten days thereafter make, under the seal of the commission, the lists into a back tax book as provided in section 140.060.

2. Except as provided in section 52.361, when completed, the clerk shall deliver the book **or an**

electronic copy thereof to the collector taking duplicate receipts therefor, one of which the clerk shall file in the clerk's office and the other the clerk shall file with the director of revenue. The clerk shall charge the collector with the aggregate amount of taxes, interest, and clerk's fees contained in the back tax book.

3. The collector shall collect such back taxes and may levy upon, seize and distrain tangible personal property and may sell such property for taxes.

4. In the city of St. Louis, the city comptroller or other proper officer shall return the back tax book together with the uncollected tax bills within thirty days to the city collector.

5. If any county commission or clerk in counties not having a county auditor fails to comply with section 140.040, and this section, to the extent that the collection of taxes cannot be enforced by law, the county commission or clerk, or their successors in office, shall correct such omissions at once and return the back tax book to the collector who shall collect such taxes.

140.115. Any person other than the owner or a mortgagee or other lienholder described in section 139.070 who pays the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100 shall not invoke a lien on said property or person without the knowledge and consent of the owner. Any such lien so invoked on said property or person without the knowledge and consent of the owner shall be null and void.

140.150. 1. All lands, lots, mineral rights, and royalty interests on which taxes or [neighborhood improvement district] special assessments are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes or unpaid special assessments as provided for in this chapter on the fourth Monday in August of each year.

2. No real property, lots, mineral rights, or royalty interests shall be sold for state, county or city taxes or special assessments without judicial proceedings, unless the notice of sale contains the names of all record owners thereof, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes or unpaid special assessments, penalty, interest and costs due thereon may be paid to the county collector at any time before the property is sold therefor. The collector shall send notices to the publicly recorded owner of record before any delinquent and unpaid taxes or unpaid special assessments as specified in this section subject to sale are published. The first notice shall be by first class mail. A second notice shall be sent by certified mail only if the assessed valuation of the property is greater than one thousand dollars. If the assessed valuation of the property is not greater than one thousand dollars, only the first notice shall be required. If any second notice sent by certified mail under this section is returned to the collector unsigned, then notice shall be sent before the sale by first class mail to both the owner of record and the occupant of the real property. The postage for the mailing of the notices shall be paid out of the county treasury, and such costs shall be added to the costs of conducting the sale, and the county treasury shall be reimbursed to the extent that such postage costs are recovered at the sale. The failure of the taxpayer or the publicly recorded owner to receive the notice provided for in this section shall not relieve the taxpayer or publicly recorded owner of any tax liability imposed by law.

3. The entry in the back tax book by the county clerk of the delinquent lands, lots, mineral rights, and royalty interests constitutes a levy upon the delinquent lands, lots, mineral rights, and royalty interests for the purpose of enforcing the lien of delinquent and unpaid taxes or unpaid special assessments [as provided in section 67.469], together with penalty, interest and costs.

140.160. 1. No proceedings for the sale of land and lots for delinquent taxes pursuant to this chapter or unpaid special assessments [as provided in section 67.469], relating to the collection of delinquent and back taxes and unpaid special assessments and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes and unpaid special assessments, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.

2. The county auditor in all counties having a county auditor shall annually audit collections, deposits, and supporting reports of the collector and provide a copy of such audit to the county collector and to the governing body of the county. A copy of the audit may be provided to all applicable taxing entities within the county at the discretion of the county collector.

140.230. 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and all costs in the case together with the amount of surplus money in each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take the receipt in duplicate of the treasurer for the surplus of money and retain one of the duplicate receipts himself and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys in the county treasury to be held for the use and benefit of the person entitled to such moneys or to the credit of the school fund of the county, to be held in trust for the term of three years for the publicly recorded owner or owners of the property sold at **the time of** the delinquent land tax auction or their legal representatives. At the end of three years, if such fund shall not be called for **as part of a redemption or collector's deed issuance**, then it shall become a permanent school fund of the county.

3. County commissions shall compel owners or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund.

140.290. 1. After payment shall have been made the county collector shall give the purchaser a certificate in writing, to be designated as a certificate of purchase, which shall carry a numerical number and which shall describe the land so purchased, each tract or lot separately stated, the total amount of the tax, with penalty, interest and costs, and the year or years of delinquency for which said lands or lots were

sold, separately stated, and the aggregate of all such taxes, penalty, interest and costs, and the sum bid on each tract.

2. If the purchaser bid for any tract or lot of land a sum in excess of the delinquent tax, penalty, interest and costs for which said tract or lot of land was sold, such excess sum shall also be noted in the certificate of purchase, in a separate column to be provided therefor. Such certificate of purchase shall also recite the name and address of the owner or reputed owner if known, and if unknown then the party or parties to whom each tract or lot of land was assessed, together with the address of such party, if known, and shall also have incorporated therein the name and address of the purchaser. Such certificate of purchase shall also contain the true date of the sale and the time when the purchaser will be entitled to a deed for said land, if not redeemed as in this chapter provided, and the rate of interest that such certificate of purchase shall bear, which rate of interest shall not exceed the sum of ten percent per annum. Such certificate shall be authenticated by the county collector, who shall record the same in a permanent record book in his office before delivery to the purchaser.

3. Such certificate shall be assignable, but no assignment thereof shall be valid unless endorsed on such certificate and acknowledged before some officer authorized to take acknowledgment of deeds and an entry of such assignment entered in the record of said certificate of purchase in the office of the county collector.

4. [For each certificate of purchase issued, including the recording of the same, the county collector shall be entitled to receive and retain a fee of fifty cents, to be paid by the purchaser and treated as a part of the cost of the sale, and so noted on the certificate. For noting any assignment of any certificate the county collector shall be entitled to a fee of twenty-five cents, to be paid by the person requesting such recital of assignment, and which shall not be treated as a part of the cost of the sale.] For each certificate of purchase issued, as a part of the cost of the sale, the purchaser shall pay to the collector the fee necessary to record such certificate of purchase in the office of the county recorder. The collector shall record the certificate of purchase before delivering such certificate of purchase to the purchaser.

5. No collector shall be authorized to issue a certificate of purchase to any nonresident of the state of Missouri, however, any nonresident as described in subsection 2 of section 140.190 may appoint an agent, and such agent shall comply with the provisions of section 140.190 pertaining to a nonresident.

6. This section shall not apply to any post-third-year tax sale, except for nonresidents as provided in subsection 5 of this section.

140.405. 1. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.250 or 140.420, until the person meets the requirements of this section, except that such requirements shall not apply to post-third-year sales, which shall be conducted under subsection 4 of section 140.250. The purchaser shall obtain a title search report from a licensed attorney or licensed title company detailing the ownership and encumbrances on the property. Such title search report shall be declared invalid if the effective date is more than one hundred twenty days from the date the purchaser applies for a collector's deed under section 140.250 or 140.420.

2. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify the owner of record and any person who holds a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon that real estate of such person's right to redeem the property. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. If the certified mail return receipt is returned signed, the first class mail notice is not returned, the first class mail notice is refused where noted by the

United States Postal Service, or any combination thereof, notice shall be presumed received by the recipient. At the conclusion of the applicable redemption period, the purchaser shall make an affidavit in accordance with subsection 4 of this section.

3. If the owner of record or **the holder of** any other publicly recorded claim on the property intends to transfer ownership or execute any additional liens or encumbrances on the property, such owner shall first redeem such property under section 140.340. The failure to comply with redeeming the property first before executing any of such actions or agreements on the property shall require the owner of record or any other publicly recorded claim on the property to reimburse the purchaser for the total bid as recorded on the certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

4. In the case that both the certified notice return receipt card is returned unsigned and the first class mail is returned for any reason except refusal, where the notice is returned undeliverable, then the purchaser shall attempt additional notice and certify in the purchaser's affidavit to the collector that such additional notice was attempted and by what means.

5. The purchaser shall notify the county collector by affidavit of the date that every required notice was sent to the owner of record and, if applicable, any other publicly recorded claim on the property. To the affidavit, the purchaser shall attach a copy of a valid title search report as described in subsection 1 of this section as well as completed copies of the following for each recipient:

- (1) **Notices of right to redeem sent by** first class mail;
- (2) **Notices of right to redeem sent by** certified mail [notice];
- (3) Addressed envelopes **for all notices**, as they appeared immediately before mailing;
- (4) Certified mail receipt as it appeared upon its return; and

(5) Any returned regular mailed envelopes. As provided in this section, at such time the purchaser notifies the collector by affidavit that all the ninety days' notice requirements of this section have been met, the purchaser is authorized to acquire the deed, provided that a collector's deed shall not be acquired before the expiration date of the redemption period as provided in section 140.340.

6. If any real estate is purchased at a third-offering tax auction and has a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon the real estate under this section, the purchaser of said property shall within forty-five days after the purchase at the sale notify such person of the person's right to redeem the property within ninety days from the postmark date on the notice. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. The purchaser shall notify the county collector by affidavit of the date the required notice was sent to the owner of record and, if applicable, **and the holder of** any other publicly recorded claim on the property, that such person shall have ninety days to redeem said property or be forever barred from redeeming said property.

7. If the county collector chooses to have the title search done then the county collector may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.

8. If the property is redeemed, the person redeeming the property shall pay the costs incurred by the purchaser in providing notice under this section. Recoverable costs on any property sold at a tax sale shall include the title search, postage, and costs for the recording of any certificate of purchase issued and for recording the release of such certificate of purchase and all the costs of the sale required in sections 140.150

to 140.405.

9. Failure of the purchaser to comply with this section shall result in such purchaser's loss of all interest in the real estate.

140.460. 1. Such conveyance shall be executed by the county collector, under his hand and seal, [witnessed by the county clerk] and acknowledged before the county recorder or any other officer authorized to take acknowledgments and the same shall be recorded in the recorder's office before delivery; a fee for recording shall be paid by the purchaser and shall be included in the costs of sale.

2. Such deed shall be prima facie evidence that the property conveyed was subject to taxation at the time assessed, that the taxes were delinquent and unpaid at the time of sale, of the regularity of the sale of the premises described in the deed, and of the regularity of all prior proceedings, that said land or lot had not been redeemed and that the period therefor had elapsed, and prima facie evidence of a good and valid title in fee simple in the grantee of said deed; and such deed shall be in the following form, as nearly as the nature of the case will admit, namely:

Whereas, A. B. did, on the day of, 20. . . , produce to the undersigned, C. D., collector of the county of in the state of Missouri, a certificate of purchase, in writing, bearing date the day of 20. . , signed by E. F., who at the last mentioned date was collector of said county, from which it appears that the said A. B. did, on the day of, 20. . , purchase at public auction at the door of the courthouse in said county, the tract, parcel or lot of land lastly in this indenture described, and which lot was sold to for the sum of dollars and cents, being the amount due on the following tracts or lots of land, returned delinquent in the name of G. H., for nonpayment of taxes, costs and charges for the year, namely: (Here set out the lands offered for sale); which said lands have been recorded, among other tracts, in the office of said collector, as delinquent for the nonpayment of taxes, costs, and charges due for the year last aforesaid, and legal publication made of the sale of said lands; and it appearing that the said A. B. is the legal owner of said certificate of purchase and the time fixed by law for redeeming the land therein described having now expired, the said G. H. nor any person in his behalf having paid or tendered the amount due the said A. B. on account of the aforesaid purchase, and for the taxes by him since paid, and the said A. B., having demanded a deed for the tract of land mentioned in said certificate, and which was the least quantity of the tract above described that would sell for the amount due thereon for taxes, costs and charges, as above specified, and it appearing from the records of said county collector's office that the aforesaid lands were legally liable for taxation, and has been duly assessed and properly charged on the tax book with the taxes for the years;

Therefore, this indenture, made this day of , 20. . , between the state of Missouri, by C. D., collector of said county, of the first part, and the said A. B., of the second part, Witnesseth: That the said party of the first part, for and in consideration of the premises, has granted, bargained and sold unto the said party of the second part, his heirs and assigns, forever, the tract or parcel of land mentioned in said certificate, situate in the county of, and state of Missouri, and described as follows, namely: (Here set out the particular tract or parcel sold), To have and to hold the said last mentioned tract or parcel of land, with the appurtenances thereto belonging, to the said party of the second part, his heirs and assigns forever, in as full and ample a manner as the collector of said county is empowered by law to sell the same.

In Testimony Whereof, the said C. D., collector of said county of, has hereunto set his hand,

and affixed his official seal, the day and year last above written.

Witness: (L.S.)

Collector of. County.

State of Missouri, County, ss:

Before me, the undersigned,, in and for said county, this day, personally came the above-named C. D., collector of said county, and acknowledged that he executed the foregoing deed for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and seal this day of., 20.

. (L.S.)

140.470. [1.] In case circumstances should exist requiring any variation from the foregoing form, in the recital part thereof, the necessary change shall be made by the county collector executing such deed, and the same shall not be vitiated by any such change, provided the substance be retained.

[2. The county collector shall be entitled to demand and receive from the person applying therefor, for each tax deed, one dollar and fifty cents, which shall include the acknowledgment.]

140.665. Whenever the word “collector” is used in sections 140.050 to 140.660, as applicable to counties which have adopted township organization, it shall be construed to mean [“treasurer and ex officio collector”] “**collector-treasurer**”. Where applicable it shall also refer to the collector, or other proper officer, collecting taxes in any city or town. Where applicable the word “county” as used in sections 140.050 to 140.660 shall be construed “city” and the words “county clerk” shall be construed “city clerk or other proper officer”.

140.730. 1. Tangible personal property [taxes assessed] **subject to assessment** on and after January 1, 1946, and all personal taxes delinquent at that date, shall constitute a debt, as of the date on which such taxes were levied for which a personal judgment may be recovered against the party assessed with such taxes before any court of this state having jurisdiction.

2. All actions commenced pursuant to this law shall be prosecuted in the name of the state of Missouri, at the relation and to the use of the collector and against the person or persons named in the tax bill, and in one petition and in one count thereof may be included the said taxes for all such years as may be delinquent and unpaid, and said taxes shall be set forth in a tax bill or bills of said personal back taxes duly authenticated by the certificate of the collector and filed with the petition; and said tax bill or tax bills so certified shall be prima facie evidence that the amount claimed in said suit is just and correct, and all notices and process in suits pursuant to this chapter shall be sued and served in the same manner as in civil actions, and the general laws of this state as to practice and proceedings and appeals and writs of error in civil cases shall apply, as far as applicable, to the above actions; provided, however, that in no case shall the state, county, city or collector be liable for any costs nor shall any be taxed against them or any of them.

3. For the purpose of this chapter, personal tax bills shall become delinquent on the first day of January following the year the taxes are due, and suits thereon may be instituted on and after the first day of February following, and within three years from said day. If the collector, after using due diligence, is unable to collect any personal property taxes charged in the delinquent tax list within three years following the year the taxes are due, the collector may remove such personal property taxes from the delinquent or back taxes books in the same manner as real estate is removed under section 137.260. Such abated amounts

shall be reported on the annual settlement made by a collector of revenue.

4. Said personal tax shall be presented and allowed against the estates of deceased or insolvent debtors, in the same manner and with like effect, as other indebtedness of said debtors. The remedy hereby provided for the collection of personal tax bills is cumulative, and shall not in any manner impair other methods existing or hereafter provided for the collection of the same.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 35**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 42**, entitled:

An Act to repeal sections 57.010, 57.104, 57.280, 221.070, 313.321, 488.5028, and 571.104, RSMo, and to enact in lieu thereof nine new sections relating to county criminal justice.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 3, Section 57.280, Lines 40-41, by deleting all of said lines and inserting in lieu thereof the following:

“duties]. **Beginning October 1, 2013, moneys in the fund shall be used to supplement the 2013 sheriff’s salary and any future increase in salary, benefit package and cost of living to an amount no greater than the annual salary of an associate circuit judge.** Any such”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 1 Line 20 by inserting after said line the following:

“Further amend said bill, Page 3, Section 57.280, Line 46, by inserting after the period on said line the following:

“**The provisions of this subsection shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.**”; and “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 8, Section 488.5029, Line 4, by striking the following: “the department of revenue and”; and

Further amend Line 10, by striking “departments” and inserting in lieu thereof the following:

“Department”; and

Further amend Line 12, by striking the word “each” and inserting in lieu thereof the following:

“the”; and

Further amend Lines 13-20, by striking all of said lines; and

Further amend said bill and section, Page 9, Lines 38-46, by striking all of said lines; and

Further amend said section by renumbering the subsections accordingly; and

Further amend Line 49, by striking “the department of revenue and”; and

Further amend Lines 54-55, by striking the following: “issuance, renewal, and suspension of a concealed carry endorsement and the”; and

Further amend Line 56, by inserting at the end of said line the word **“and”**; and

Further amend Lines 57-60, by striking all of said lines and inserting in lieu thereof the following:

“(5) The right of the debtor to apply in writing to the court in which the debt”; and

Further amend said bill, Pages 10-13, Section 571.104, by striking all of said section the bill.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 13, Section 571.104, Line 122, by inserting after all of said section and line the following:

“590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a Department of Public Safety POST certified law enforcement firearms instructor school.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page 9, Section 488.5029, Line 70, by inserting after all of said line the following:

“488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding] **including** cases disposed of by a [traffic] violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; **except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.**

2. Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.] **4. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in**

any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.] **5.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 216**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 45**, entitled:

An Act to repeal sections 56.807, 487.020, 488.026, and 488.426, RSMo, and to enact in lieu thereof four new sections relating to judicial procedures.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 45, Page 3, Section 56.807, Line 74 by inserting after said line the following:

"478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 45, Page 4, Section 487.020, Line 32, by inserting after all of said section and line the following:

“478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. When the office of state courts administrator indicates in an annual judicial weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of one hundred thousand or more, there shall be one additional associate circuit judge position in such circuit for every four full-time judicial positions needed as indicated in the weighted workload model. In a multi-county circuit, the additional associate circuit judge positions shall be apportioned among the counties in the circuit on the basis of population, starting with the most populous county, then the next most populous county, and so forth.

3. For purposes of this section, notwithstanding the provisions of section 1.100, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates

prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

[3.] **4.** Except in circuits where associate circuit judges are selected under the provisions of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[4.] **5.** In counties not subject to sections 25(a) to (g) of article V of the constitution, associate circuit judges shall be elected by the county at large.

[5.] **6.** No associate circuit judge shall practice law, or do a law business, nor shall he **or she** accept, during his **or her** term of office, any public appointment for which he **or she** receives compensation for his services.

[6.] **7.** No person shall be elected as an associate circuit judge unless he **or she** has resided in the county for which he **or she** is to be elected at least one year prior to the date of his **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 45, Page 5, Section 488.426, Line 20, by inserting after said line the following:

“Section 1. Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts and other government agencies whose originating agency identifier was terminated by the federal bureau of investigations shall provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format on line in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Schmitt moved that **SS** for **HB 253**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 253**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	McKenna	Munzlinger	Nieves	Parson	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	LeVota	Nasheed	Pearce	Sifton
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Walsh—9

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	LeVota	McKenna	Nasheed	Schaaf
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Walsh—9

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 510**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 322**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 345**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 134**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 451**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 116**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 533**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 278**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 650**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 440**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 110**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 625**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HJR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 320**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 175**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 128**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HCS for HB 114**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HCS for HB 349**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HB 85**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HCS** for **HB 418**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HCS** for **HB 722**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 611**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 944, regarding Robin Lee Winter, Park Hills, which was adopted.

Senator Parson offered Senate Resolution No. 945, regarding Doyle Nimmo, which was adopted.

Senator Parson offered Senate Resolution No. 946, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Duggan, Buffalo, which was adopted.

Senator Lamping offered Senate Resolution No. 947, regarding Alexis Maria Jordan, St. Louis, which was adopted.

Senator Curls offered Senate Resolution No. 948, regarding Robert "Bob" Kessel, which was adopted.

INTRODUCTIONS OF GUESTS

Senator McKenna introduced to the Senate, fourth grade students from Dunklin R-V School District, Herculaneum.

Senator Pearce introduced to the Senate, Sidney Livo and fourth grade students from Santa Fe School, Waverly.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIFTH DAY—THURSDAY, MAY 9, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

THIRD READING OF SENATE BILLS

SCS for SB 378-Pearce

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 473 (Lager)
(In Fiscal Oversight) | 15. HB 510-Torpey and Wieland |
| 2. HCS for HB 215, with SCS (Dixon)
(In Fiscal Oversight) | 16. HB 322-Gosen, et al, with SCS (Rupp) |
| 3. HCS for HB 168 (Kraus) | 17. HCS for HB 345, with SCS |
| 4. HCS for HB 58 (Wasson) | 18. HCS for HB 134, with SCS (Schmitt) |
| 5. HB 409-Love and Remole (Parson)
(In Fiscal Oversight) | 19. HB 451-Fraker, et al (Sater) |
| 6. HB 339-Wieland, et al (Dempsey) | 20. HB 116-Dugger, with SCS (Dixon) |
| 7. HCS for HBs 593 & 695 (Schaaf) | 21. HB 533-Riddle, et al, with SCS
(Munzlinger) |
| 8. HB 142-Dugger, with SCS (Walsh) | 22. HB 278-Brattin, et al (Emery) |
| 9. HCS for HB 117, with SCS (Rupp) | 23. HB 650-Ross, et al, with SCS |
| 10. HB 148-Davis, et al, with SCS (Brown) | 24. HCS for HB 440, with SCS |
| 11. HB 103-Kelley (127), et al, with SCS
(Munzlinger) | 25. HCS for HB 110, with SCS (Kraus) |
| 12. HB 428-Schatz, with SCS (Wasson) | 26. HB 625-Burlison, with SCS |
| 13. HCS for HJRs 5 & 12, with SCS (Kraus) | 27. HJR 16-McCaherty, et al, with SCS
(Schaaf) |
| 14. HCS for HBs 48 & 216 (Kraus) | 28. HCS for HB 320 |
| | 29. HCS for HB 175, with SCS (Parson) |
| | 30. HCS for HB 128 (Rupp) |

- | | |
|---|-------------------------------------|
| 31. HCS for HB 114 | 34. HB 85-Kelley (127), et al |
| 32. HB 450-Carpenter, et al, with SCS
(Silvey) | 35. HCS for HB 418 |
| 33. HCS for HB 349 (Kehoe) | 36. HCS for HB 722, with SCS |
| | 37. HCS for HB 611, with SCS (Rupp) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 437-Pearce

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 3-Rupp, with SA 1 (pending) | SB 272-Nieves, with SA 2 (pending) |
| SB 13-Schaefer, with SCS | SB 285-Romine |
| SB 21-Dixon | SB 291-Rupp |
| SB 22-Dixon | SB 292-Rupp |
| SB 30-Brown, with SCS | SB 308-Schaaf |
| SB 48-Lamping | SB 315-Pearce |
| SB 53-Lamping | SB 325-Nieves |
| SB 61-Keaveny, with SCA 1 (pending) | SB 339-Romine |
| SB 65-Dixon, with SCS | SB 343-Parson |
| SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending) | SB 364-Parson |
| SB 82-Schaefer, with SCS | SB 371-Munzlinger, with SCS |
| SB 109-Brown, with SCS | SB 377-Dixon |
| SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending) | SB 383-Wallingford |
| SB 141-Dempsey | SB 396-Holsman and Chappelle-Nadal, with
SCS |
| SB 167-Sater and Wallingford, with SCS | SB 403-Rupp, with SCS |
| SB 174-Parson, with SCS | SB 410-Kehoe |
| SB 175-Wallingford | SB 419-Lager, with SCS |
| SB 207-Kehoe, et al, with SCS | SB 423-Nasheed |
| SB 231-Munzlinger, with SA 1 (pending) | SB 441-Dempsey |
| SB 239-Emery, with SCS & SA 2 (pending) | SB 448-Schmitt and Keaveny |
| SB 250-Schaaf, with SCS | SB 455-Nieves, with SCS |
| SB 259-Schaaf, with SCS | SJR 2-Lager |

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
HB 55-Flanigan and Allen, with SCS
(Schaefer)
HB 112-Burlison, with SA 2 (pending)
(Brown)
HB 184-Cox, et al (Parson)
HCS for HB 194 (Parson)
HB 196-Lauer, et al, with SCS, SA 1 &
point of order (pending) (Romine)

HB 274-Brattin, et al, with SCS (Brown)
HB 346-Molendorp (Wasson)
HCS for HBs 374 & 434, with SCS (Dixon)
HCS for HBs 404 & 614, with SCS (Kehoe)
HB 432-Funderburk, et al, with SCS &
SA 1 (pending) (Lager)
HCS for HB 457, with SCS (Rupp)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended
SCS for SB 42-Munzlinger, with HCS,
as amended
SCS for SB 45-Dixon, with HCS, as amended

SB 77-Lamping, with HA 1
SS for SCS for SB 114-Schmitt, with HA 1,
as amended
SCS for SB 248-Wasson, with HA 1 & HA 2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS,
as amended
SB 23-Parson, with HCS, as amended
(Senate adopted CCR and passed CCS)
SS for SB 34-Cunningham, with HCS,
as amended
SCS for SB 106-Brown, with HA 1, HA 2,
HA 3, HA 4, as amended & HA 5
(Senate adopted CCR and passed CCS)
SCS for SB 117-Kraus, with HCS,
as amended
(Senate adopted CCR and passed CCS)
HCS for HB 1, with SCS (Schaefer)
HCS for HB 2, with SCS (Schaefer)

HCS for HB 3, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)
HCS for HB 6, with SCS, as amended
(Schaefer)
HCS for HB 7, with SCS, as amended
(Schaefer)
HCS for HB 8, with SCS (Schaefer)
HCS for HB 9, with SCS (Schaefer)
HCS for HB 10, with SCS (Schaefer)
HCS for HB 11, with SCS, as amended
(Schaefer)
HCS for HB 12, with SCS (Schaefer)
HCS for HB 13, with SCS (Schaefer)

HB 307-Riddle, et al, with SS for SCS,
as amended (Schmitt)
HCS#2 for HB 698, with SCS, as amended
(Schmitt)

HCS for HJR 11 & 7, with SS, as amended
(Parson)
(House adopted CCR and passed CCS)

Requests to Recede or Grant Conference

SCS for SB 9-Pearce, with HCS,
as amended
(Senate requests House recede
or grant conference)
SCS for SB 17-Munzlinger and Romine,
with HCS, as amended
(Senate requests House recede
or grant conference)
SCS for SB 36-Wallingford and Sifton, with HA 1
(Senate requests House recede &
take up and pass bill)
SB 43-Munzlinger, with HCS, as amended
(Senate requests House recede
or grant conference)

SCS for SB 157 & SB 102-Sater, with HCS,
as amended
(Senate requests House recede
or grant conference)
SS for SB 262-Curls, with HCS, as amended
(Senate requests House recede
or grant conference)
SB 330-Wasson, with HCS, as amended
(Senate requests House recede
or grant conference)

RESOLUTIONS

Reported from Committee

HCR 7-Pfautsch, et al (Richard)
HCR 16-Walton Gray, et al
(Chappelle-Nadal)
HCR 25-Allen

HCR 28-Lynch, et al
SCR 3-Walsh
SCR 4-Schmitt, et al
SCR 15-Romine

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY—THURSDAY, MAY 9, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You have made us for yourself and our hearts are restless until they rest in you.” (St. Augustine)

Dear Lord, this week has been filled with so many activities, some exciting, some perplexing but all crammed with final decisions to be made. Continue to bless our efforts so understanding and compromise for the greatest good is made and we can leave this place content we have done our very best as You have directed us. Watch our going out and coming in so we may arrive safely home to find rest and peace with those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 949, regarding the Ninetieth Birthday of Jessie Davis, Rogersville, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 436** and has taken up and passed **SCS** for **HCS** for **HB 436**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 90**, entitled:

An Act to repeal sections 52.010, 54.040, 54.330, 77.030, 78.090, 115.003, 115.005, 115.007, 115.124, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, and 115.601, RSMo, and to enact in lieu thereof twenty-five new sections relating to elections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 90, Page 14, Section 115.493, Line 3, by enclosing in brackets the word: "twelve" on said Line and inserting immediately thereafter the phrase:

"twenty-two"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 78.090, Line 23, by inserting after all of said line the following:

"79.070. No person shall be an alderman unless he or she is at least [twenty-one] **eighteen** years of age, a citizen of the United States, and an inhabitant and resident of the city for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by inserting after all of said Section and Line the following:

"116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County

Page No.

PETITION FOR REFERENDUM

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. entitled (title of law), passed by the general assembly of the state of Missouri, at the regular (or special) session of the general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of,, unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name. **Ballot title goes here.**

CIRCULATOR'S AFFIDAVIT

County Of

NAME	DATE	REGISTERED VOTING ADDRESS	ZIP	CONGR.	NAME
(Signature)	SIGNED	(Street)(City, Town or Village)	CODE	DIST.	(Printed or typed)
(Here follow numbered lines for signers)					

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

.....

Signature of Affiant

(Person obtaining signatures)

(Printed Name of Affiant)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D.

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially and the requirements of section 116.050 **and section 116.080** are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.040. The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County

Page No.

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of,, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name. **Ballot title goes here.**

CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of

I,, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street)(City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or typed)
(Here follow numbered lines for signers)					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do do not (check one) expect to be paid for circulating this petition. If paid, list the payer

.....

Signature of Affiant

(Person obtaining
signatures)

(Printed Name of Affiant)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D.

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. **No person shall qualify as a petition circulator who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state** [Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not

be counted.

2. Each petition circulator shall supply the following information to the secretary of state's office:

- (1) Name of petition;
- (2) Name of circulator;
- (3) Residential address, including street number, city, state and zip code;
- (4) Mailing address, if different;
- (5) Have you been or do you expect to be paid for soliciting signatures for this petition?

☐ YES ☐ NO;
- (6) If the answer to subdivision (5) is yes, then identify the payor;
- (7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT].

[4.] 2. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his or her official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his or her presence.

[5.] 3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.115. Any person who submits a sample sheet to or files an initiative petition with the secretary of state may withdraw the petition upon written notice to the secretary of state. If such notice is submitted to the secretary of state, the proposed petition shall no longer be circulated by any person, committee, or other entity. The secretary of state shall vacate the certification of the official ballot title within three days of receiving notice of the withdrawal.

116.153. Within thirty days of issuing certification that the petition contains a sufficient number of valid signatures pursuant to section 116.150, the joint committee on legislative research shall hold a public hearing in Jefferson City to take public comments concerning the proposed measure. Such hearing shall be a public meeting under chapter 610. Within five business days after the end of the public hearing, the joint committee on legislative research shall provide a summary of the hearing to the secretary of state or his or her designee and the secretary of state shall post a copy of the summary on the website of the office of the secretary of state.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the

circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of state shall certify the language which the court certifies to him.

5. Any action brought under this section that is not fully and finally adjudicated within one hundred eighty days of filing, including all appeals, shall be extinguished, unless a court extends such period upon a finding of good cause for such extension. Such good cause shall consist only of court-related scheduling issues and shall not include requests for continuance by the parties.

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

2. **Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that such text may not constitute the full and correct text as required under section 116.050, and the name of the person or organization submitting the sample sheet. The posting shall be removed within three days of either the withdrawal of the petition under section 116.115 or the rejection for any reason of the petition. The secretary of state's failure to comply with this section shall be considered a violation**

under subsection 3 of section 610.027.

3. Upon receipt of a petition from the office of the secretary of state, the attorney general shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall forward his or her comments to the secretary of state within ten days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward his or her approval as to form to the secretary of state within ten days after receipt of the petition by the attorney general.

[3.] 4. The secretary of state shall review the comments and statements of the attorney general as to form and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within [thirty] **fifteen** days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within [thirty] **fifteen** days after submission of the petition sheet.

116.334. 1. If the petition form is approved, the secretary of state shall **make a copy of the sample petition available on the secretary of state's website and refer a copy of the sample petition to the state auditor for purposes of preparing a fiscal note summary. For a period of fifteen days after the petition is approved as to form, the secretary of state shall accept public comments regarding the proposed measure and provide copies of such comments upon request.** Within [ten] **twenty-three** days of receipt of such approval, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. Signatures obtained prior to the date the official ballot title is certified by the secretary of state shall not be counted.

3. Signatures for statutory initiative petitions shall be filed not later than six months prior to the general election during which the petition's ballot measure is submitted for a vote, and shall also be collected not earlier than the day after the day upon which the previous general election was held.

Section B. The provisions of this act are severable. If any provision of this act is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions are valid except to the extent that the court finds the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the will of the people.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said Section and Line the following:

“115.017. There shall be a board of election commissioners:

- (1) In each county which has or hereafter has over nine hundred thousand inhabitants;
- (2) In each city not situated in a county;
- (3) [In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated

in more than one county;

(4)] In each county of the first classification containing any part of a city which has over three hundred thousand inhabitants; provided that the county commission of a county which becomes a county of the first classification after December 31, 1998, may, prior to such date, adopt an order retaining the county clerk as the election authority. The county may subsequently establish a board of election commissioners as provided in subdivision [(5)] (4) of this section;

[(5)] (4) In each county of the first class which elects to have such a board through procedures provided in section 115.019.

115.021. 1. [In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county, the board of election commissioners for the city shall have jurisdiction in that part of the city situated in the county containing the major portion of the city.

2. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the board of election commissioners shall have jurisdiction in that part of the county outside the city.

3.] In each city not situated in a county, the board of election commissioners shall have jurisdiction throughout the city.

[4.] 2. In all other counties, the election authority shall have jurisdiction throughout the county.

3. In each county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government, the board of election commissioners shall have jurisdiction throughout such area.

115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. Notwithstanding the provisions of subsection 1 of this section to the contrary, in each county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government, the board of election commissioners shall be composed of the

chairperson and vice chairperson of each of the following board of election commissioners holding office at the time of the enactment of this subsection until such commissioners are appointed pursuant to subsection 1 of section 115.029:

(1) The board of election commissioners that, at the time of the enactment of this subsection, has jurisdiction in the part of a home rule city with more than four hundred thousand inhabitants and located in more than one county that is situated in the county containing the major portion of the city; and

(2) The board of election commissioners that, at the time of the enactment of this section, has jurisdiction in the part of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants that is located outside of the city referenced in subdivision (1) of this subsection.

115.029. 1. In each county [of the first class containing the major portion of a city which has more than three hundred thousand inhabitants] **with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government**, each election commissioner shall be appointed [on April 21, 1982,] for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

2. In each county containing a portion but not the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on June 15, 1981, for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn. The first two election commissioners appointed after May 10, 1994, shall be appointed for terms of two years and until their successors are appointed, confirmed and sworn. One of those appointed to a two-year term shall be a member of one major political party and one shall be a member of the other major political party.

The next two election commissioners appointed, and all successors, shall be appointed for terms of four years and until their successors are appointed, confirmed and sworn.

3. In all other cities and counties which have or hereafter have a board of election commissioners, each commissioner's term of office shall coincide with the term of the governor who appoints him and until the commissioner's successor is appointed, confirmed and sworn."'; and

Further amend said bill, Section 115.300, Page 8, Line 8, by inserting after all of said Section and Line the following:

"115.353. All declarations of candidacy shall be filed as follows:

(1) For presidential elector, United States senator, representative in Congress, statewide office, circuit judge not subject to the provisions of article V, section 25 of the Missouri Constitution, state senator and state representative, in the office of the secretary of state;

(2) For all county offices which for the purpose of election procedures shall include associate circuit judges not subject to the provisions of article V, section 25 of the Missouri Constitution, in the office of the county election authority;

(3) For all county offices, in the office of the county election authority. In any county in which there [are two boards] **is a board** of election commissioners, the [county clerk] **board of elections** shall be deemed to be the election authority for purposes of this section.”; and

Further amend said bill, Section 115.601, Page 15, Line 48, by inserting after all of said section and line the following:

“115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person’s election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. **No person who is an employee of a county, with the exception of a person elected to public office in such county, or has any contractual relationship with such county shall be elected to, or serve on, the county committee of such county unless such election or commencement of service occurs on or before November 4, 2013.** Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4. In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the

county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 90, Page 3, Section 77.030, Line 27, by inserting after all of said line the following:

“77.675. 1. In addition to the process for passing ordinances provided in section 77.080, the council of any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants may adopt or repeal any ordinance by passage of a bill that sets forth the ordinance and specifies that the ordinance so proposed shall be submitted to the registered voters of the city at the next municipal election. The bill shall be passed under the procedures in section 77.080, except that it shall take effect upon approval of a majority of the voters rather than upon the approval and signature of the mayor.

2. If the mayor approves the bill and signs it, the question shall be submitted to the voters in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)

☐ YES

☐ NO

3. If a majority of the voters voting on the proposed ordinance vote in favor, such ordinance shall become a valid and binding ordinance of the city.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said Section and Line the following:

“115.121. 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the [first] **third** Tuesday after the first Monday in [August] **June** of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the general municipal election day.

4. In addition to the primary election day provided for in subsection 2 of this section, for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary election day for the purpose of permitting school districts and other political subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district or other political subdivision voting thereon, to provide funds for the acquisition, construction, equipping, improving, restoration, and furnishing of facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the like which occurred during the month of April or May, 2003.

5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or agency calling an election on the first Tuesday after the first Monday of August, 2003, shall notify the election authorities responsible for conducting the election not later than 5:00 p.m. on the sixth Tuesday prior to the election. For purposes of any such election, all references in section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth Tuesday prior to such election.

6. In addition to the general election day provided for in subsection 1 of this section, for the year 2009 the first Tuesday after the first Monday in November shall be a general election day for the purpose of permitting school districts to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district, to provide funds for school districts to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which provides for qualified school construction bonds and the provisions of Section 54AA of the Internal Revenue Code of 1986, as amended, which provides for build America bonds, as well as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as amended, which provides for traditional government bonds.”; and

Further amend said bill, Section 115.300, Page 8, Line 8, by inserting after all of said Section and Line the following:

“115.341. For the nomination of candidates to be elected at the next general election, a primary election shall be held on the [first] **third** Tuesday after the first Monday in [August] **June** of even-numbered years.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the [last] **first** Tuesday in [March] **February** immediately preceding the primary election.

2. No declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the [last] **second** Tuesday in [February] **January** immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the candidate's full name, residence address, office for which such candidate proposes to be a candidate, the party ticket on

which he or she wishes to be a candidate and that if nominated and elected he or she will qualify. The declaration shall be in substantially the following form: I,, a resident and registered voter of the county of and the state of Missouri, residing at, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary election to be held on the day of, ..., and I further declare that if nominated and elected to such office I will qualify.

.....	Subscribed and sworn to
Signature of candidate	before me this day
	of,
.....
Residence address	Signature of election
	official or other officer
	authorized to administer oaths
.....	
Mailing address (if different)	
..... Telephone Number (Optional)	

If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his or her declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths.”; and

Further amend said bill, Section 115.601, Page 15, Line 48, by inserting after all of said Section and Line the following:

“Section B. The repeal and reenactment of sections 115.121, 115.341, and 115.349 of section A of this act shall become effective on January 1, 2016.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 78..090, Line 23, by inserting after said line the following:

“96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120, shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the

incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

“Shall the city council of, Missouri and the board of trustees of hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?”

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.”; and

Further amend said bill, Page 15, Section 115.601, Line 48 by inserting after said line the following:

Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 90, Page 1, Section A, Line 7, by inserting after all of said line the following:

“11.010. The official manual, commonly known as the “Blue Book”, compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state or a designated employee of the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 90, Page 5, Section 115.124, Line 41, by inserting after all of said section and line the following:

“115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration. **Any documentation presented under this subsection must contain the applicant’s legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted.**

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 90, Section 115.300, Page 8, Line 8, by inserting after all of said Line the following:

“115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

..... Candidate's Signature

..... Printed Name of Candidate.

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

4. No person shall be appointed to any public office if the person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, or any county or municipal taxes or user fees.

115.346. 1. Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.

2. No person shall be appointed to any public office if the person is delinquent in the payment of

any state income taxes, personal property taxes, real property taxes on the place of residence, or any county or municipal taxes or user fees.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 90, Page 1, In the Title, Line 4, by inserting after “RSMo,” the following: “and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after “RSMo,” the following: “and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,”; and

Further amend said bill, Page 3, Section 77.030, Line 27, by deleting the words “**the adoption of the ordinance or**”; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting after all of said line the following:

“[77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

**Shall the terms of council members which are currently set at two years in.....
(city) be extended to four years for members elected after August 28, 2013?**

☐ YES

☐ NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under

subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.]a”;
and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said Section and Line the following:

“115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. The governor shall not make any appointment, during the legislative interim, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. The term of service of any such individual appointed to serve as an election commissioner under this section in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants prior to the effective date of this section shall terminate as of the effective date of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 90, Section 115.601, Page 15, Line 48, by inserting after all of said Line the following:

“205.207. 1. The governing body of any county of the third classification without a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants and with a city of the third classification with more than eight thousand but fewer than nine thousand inhabitants as the county seat, that operates a hospital established under this chapter may, by resolution, abolish the property tax authorized to fund the county under this chapter and impose a sales tax on all retail sales made within the county which are subject to under chapter 144. The tax authorized in this section shall be not more than two percent, and shall be imposed solely for the purpose of funding the county hospital. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body

of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the county hospital, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "County Hospital Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the county equal to at least ten percent of the number of registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and

to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 90, Section 54.330, Page 2, Line 22, by inserting after all of said Line the following:

“71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term “contiguous and compact” does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term “contiguous and compact” does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term “common-interest community” shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A “common-interest community” shall be defined as real property with respect to which a person,

by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway

shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision**

(2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of the adoption of the annexation ordinance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 90, Page 2, Section 54.330, Line 22, by inserting after all of said line the following:

“71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days’ notice thereof, either personally or by United States mail to the owner or owners, or the owner’s agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, [or] in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants, or in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants,** the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by inserting after said line the following:

“247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his **or her** election[, or if not a voter or resident of said district, shall have received service from the district at his or her primary place of residence one whole year immediately prior to his or her election]. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation

authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

247.080. 1. The exercise of the powers conferred upon the district by sections 247.010 to 247.220 shall be by its board of directors, acting as a board.

2. The board shall have power and it shall be its duty to employ necessary help and to contract for such professional service as the demands of the district require in creating and operating a waterworks system contemplated in this law, and shall pay out of the funds of the district available for such purposes reasonable compensation for the service rendered. It shall have made by a competent accountant an annual audit of the receipts and expenditures of the district. All persons employed shall serve for an indefinite term and at the will of the board, and party politics shall not enter into the selection of employees.

3. The board shall have regular monthly meetings and the president thereof may call special meetings as occasion requires. It shall establish an office for its meeting place and for the transaction of business.

4. All persons charged with handling of funds shall be required to give bond to be fixed and approved by the board, but at the expense of the district.

5. All contracts made by the district shall conform to [law] **section 432.070** governing contracts [of other municipal corporations]. It shall have power to authorize and enter into all contracts in behalf of the district, and shall provide an official seal for district, and all official documents shall be attested by the seal.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 78.090, Line 23, by inserting after all of said section and line the following:

“96.155. 1. The board of trustees of a hospital established under this chapter, with the concurrence of the council of the city of the third class, may, by resolution, abolish the property tax authorized by section 96.150 to fund the operations of a hospital in accordance with sections 96.150 to 96.228 and impose a sales tax on all retail sales made within the city which are subject to sales tax under chapter

144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the operations of a hospital under sections 96.150 to 96.228. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the board of trustees of such a hospital submits to the voters residing within the city of the third class at a state general, primary, or special election a proposal to authorize the board of trustees to impose a tax under this section. If two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If less than two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by two-thirds of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital operated under sections 96.150 to 96.228, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "City of the Third Class City Hospital Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the board of trustees of the city hospital for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such board of trustees. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city of the third class. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city of the third class equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the board of trustees shall submit to the voters of the city of the third class a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the

calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the board of trustees shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city of the third class, the director shall remit the balance in the account to the district and close the account of that city hospital. The director shall notify each board of trustees of each instance of any amount refunded or any check redeemed from receipts due the hospital operated under sections 96.150 to 96.228.”; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting after all of said section and line the following:

“144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570 **or sections 96.150 to 92.228**, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729 **or section 205.205, or any hospital district imposing a sales tax under the provisions of section 206.165**, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

205.205. 1. The governing body of any [hospital district] **county which has established a county hospital** under sections 205.160 to 205.379 [in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants or any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants] may, by resolution, abolish the property tax authorized [in such district] **by section 205.200 to fund a county hospital** under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the **county** hospital [district]. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the [hospital district] **county** submits to the voters residing within the [district] **county** at a state general,

primary, or special election a proposal to authorize the governing body of the [district] **county** to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the **county** hospital [district], except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "**County** Hospital [District] Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the [district] **county** equal to at least ten percent of the number of registered voters of the [district] **county** voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the [district] **county** a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the [hospital district] **county** shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to

the [district] **county** and close the account of that [district] **county**. The director shall notify each [district] **county** of each instance of any amount refunded or any check redeemed from receipts due the [district] **county**.

7. The levy of a sales tax by a county under this section or section 205.202 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the county.

206.165. 1. The governing body of any hospital district established under sections 206.010 to 206.160 may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall not be more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and

the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. The levy of a sales tax by a hospital district under section 205.205 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the hospital district.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 90, Page 1, Section A, Line 7, by inserting immediately after said line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute

a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting

thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent

of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all [sales of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** residence of the purchaser, **and remitted to that local taxing entity** and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes [imposed pursuant to the local sales tax law] **shall not be imposed on the seller** [on the purchase and sale] of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose

behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting immediately after said line the following:

“144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except**

as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, [including but not limited to] **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection**, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers.

Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. Except as otherwise provided,** the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors [subject to sales taxes under this chapter] shall be [deemed to be consummated] **imposed at the rate in effect**, unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected **and remitted** on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any** [the sales or use] tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any [sales or use] tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county [sales or use] tax refunds shall be deducted by the director of revenue from the

next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term “boat” includes all motorboats and vessels as the terms “motorboat” and “vessel” are defined in section 306.010.

144.440. 1. [In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.] At the time the owner of any [such] motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.] 2. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director.

[4.] 3. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.] 4. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a [use] **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A [use] **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.] 5. In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a [use] **sales** tax[,] all of its lease receipts would be subject to the [use] **sales** tax[,] regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.] 6. The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of**

subsection 1 of section [144.440] **144.020** shall not apply:

(1) [To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)] To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)] (2) To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)] (3) To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)] (4) To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)] (5) Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)] (6) To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)] (7) To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020 on the titling of** motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by subdivision (9) of subsection 1 of section [144.440] 144.020 on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] as dictated by article IV, section 30(b) of the Constitution of Missouri.**

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local [sales and use] taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020,** purchased on or after the effective date

of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales or use] tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the [use] tax provided by [the Missouri use tax law] **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to [use] tax [as provided in the Missouri use tax law] **in this chapter** until the tax levied for the use of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section [144.440] **144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.”; and

Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.

Section B. Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 265**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 41**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to private nuisance actions.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 41, Section A, Page 1, Line 2, by inserting the following after all of said Line:

“71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term “contiguous and compact” does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term “contiguous and compact” does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the Mississippi River** may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term “common-interest community” shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A “common-interest community” shall be defined as real property with respect to which a person, by virtue of such person’s ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. “Ownership of a unit” does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A “cooperative” shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member’s ownership interest in the association to exclusive possession of a unit;

(c) A “planned community” shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present

evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that

the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was

a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 41, Page 1, Lines 2-3 in the Title, by deleting the words “private nuisance actions” and inserting in lieu thereof the words “environmental protection”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms “sold at retail” and “retail sales” do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, [2013] **2018.**

260.380. 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year;

(a) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391;

(b) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each

year, a fee to the department equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, [2013] **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

- (b) Transformed into new products which are not wastes;
- (c) Destroyed or treated to render the hazardous waste nonhazardous; or
- (d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, [2013] **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

444.772. 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

- (1) The name of all persons with any interest in the land to be mined;
- (2) The source of the applicant's legal right to mine the land affected by the permit;
- (3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the

commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a

permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, [2013] **2018**. No other provisions of this section shall expire.”; and

Further amend said bill and page, Section 537.291, Line 15, by inserting after all of said section and line the following:

“644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall

expire September 1, [2013] **2018**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on September 1, [2013] **2018**. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

[4. The director of the department of natural resources shall conduct a comprehensive review of the fee structure in sections 644.052 and 644.053. The review shall include stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to the general assembly by December 31, 2012, which shall include its findings and a recommended plan for the fee structure. The plan shall also include time lines for permit issuance, provisions for expedited permits, and recommendations for any other improved services provided by the fee funding.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 41, Page 1, Section 537.291, Line 15, by inserting after all of said section and line the following:

"644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.

Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 327**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 327, Page 1, Section A, Line 3 by inserting after said line the following:

“478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person’s blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department’s role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 33**.

With House Amendment Nos. 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

“208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children’s diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term “temporary leave of absence” shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians’ services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, or podiatrist may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care

services or tier level shall be transferred with such resident if her or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(17) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this

subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this [subsection] **subdivision**, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of

physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the [Missouri] MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall

be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. Beginning July 1, 2013, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154, or their successor codes, under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.”; and

Further amend said bill, Page 3, Section 209.200, Line 23, by inserting after all of said section and line, the following:

“Section B. Because immediate action is necessary to ensure adequate provision of behavior assessment and intervention services under the MO HealthNet program, section 208.152 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 208.152 of section A of this act shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said line the following:

“9.149. December fourth shall be designated as “PKS Day” in Missouri. Pallister-Killian Mosaic Syndrome, commonly known as Pallister-Killian Syndrome or PKS, is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing

impairments, seizure disorders, and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of Pallister-Killian Syndrome and to support programs of research, education, and community service.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said line the following:

“208.895. 1. Upon **the** receipt of a [properly completed] referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] or **a** physician’s order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] Process the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3)] Arrange for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] **(3)** Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; [and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days]

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant’s area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver

or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. If the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract] **has not complied with subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin no later than five business days after receipt of the assessment and care plan from the provider. The department shall** [include a requirement that:

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor] notify the referring entity [within five days] **or individual** of receipt of referral if additional information is needed to process the referral. [The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.]

3. The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based **service** providers for including, but not limited to, reassessment and level of care recommendations. [These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.]

4. [The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective.**

5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) "Assessment" means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

(a) Is conducted by an assessor trained to perform home- and community-based care assessments;

(b) Uses forms provided by the department;

(c) Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and

(d) Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process;

(2) A "referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:

(a) The stated need for MO HealthNet home- and community-based services;

(b) The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and

(c) The physical address and phone number of the client or person needing services.

Additional information which may assist the department may also be submitted.

7. The department shall:

(1) Develop an automated electronic assessment care plan tool to be used by providers; and

(2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.

8. At the end of the first year of this plan being in effect, the department of health and senior services shall prepare a report for the appropriation committee for health, mental health and social services or a committee appointed by the speaker to review the following:

(1) How well the department is doing on meeting the fifteen-day requirement;

(2) The process the department used to approve the assessors;

(3) Financial data on the cost of the program prior to and after enactment of this section;

(4) Any audit information available on assessments performed outside the department; and

(5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.

208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010."; and

Further amend said bill, Page 3, Section 209.200, Line 23, by inserting after all of said line the following:

"660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under chapter 197;

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], **if the employer terminated the employee because the employee:**

(1) **Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;**

(2) **Was placed on the employee disqualification list under this section after the date of hire;**

(3) **Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;**

(4) **Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or**

(5) **Was denied a good cause waiver as provided for in subsection 10 of section 660.317.**

The benefits paid to the employee shall not be attributable to service in the employ of the employer required to discharge an employee under the provisions of this subdivision and shall be deemed as such under the unemployment compensation laws of this state.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“34.470. 1. As used in this section, the following terms shall mean:

(1) “Direct labor”, all work performed to fulfill a contract under the provisions of this section, excluding supervision and administration;

(2) “Qualifying disability”, a significant mental or physical impairment, including blindness, that impedes a person who is seeking, entering, or maintaining gainful employment. Such significant disability shall be certified by the division of vocational rehabilitation within the department of elementary and secondary education; the Social Security Administration Title 42, Section 423 of the United States Code; the Social Security Administration Title 42, Section 416(i)(1)(B) of the United States Code; or a person eligible for services from the division of developmental disabilities of the department of mental health;

(3) “Qualifying vendor”:

(a) A person with a qualifying disability;

(b) A business or entity, whether for profit or nonprofit, that employs individuals with a qualifying disability, provided such individuals perform at least seventy-five percent of the direct labor hours required to fulfill a state contract for goods or services; or

©) Any nonprofit agency serving people with significant disabilities that meets the eligibility criteria to participate in the federal AbilityOne program, or its successor program, as described in 41 U.S.C. Section 46-48c.

2. The broad purpose of this legislation is to provide persons with a qualifying disability access to job opportunities in the private sector competitive job market and additional job opportunities for individuals who choose facility-based employment in their community. Notwithstanding any other provision of this chapter to the contrary, the division of purchasing within the office of administration shall set a goal of procuring at least three percent of goods and services from qualifying vendors. The division shall develop and maintain a list of goods and services that are available from qualifying vendors and which such division determines are suitable for procurement from qualifying vendors by departments of the state, approve prices for goods and services identified under this section, review bids received by qualifying vendors, and award and renew contracts for the purchase of goods and services under this section without competitive bidding. Such procurement list, and revision thereof, shall be submitted to the board for approval and, upon approval, be distributed to all purchasing officers of the state, its departments and all political subdivisions. All products or services offered for purchase to a state department or a political subdivision by a qualifying vendor shall have significant value added by blind or significantly disabled persons as determined by the office of administration. Suspected violations of the eligibility criteria for a qualifying vendor may be reported to and shall be investigated by the department of labor and industrial relations.

3. Individuals with a qualifying disability shall be paid at least minimum wage for direct labor hours performed in fulfillment of any contract awarded under the provisions of this section.

4. The amount of goods and services that may be purchased in accordance with this section shall

not exceed twenty-five million dollars.

5. It shall be the duty of the office of administration to determine the fair market price of all products and services offered for sale to the various departments of the state by qualifying vendors. The fair market price shall be competitive with the cost of procuring the goods or services from another source; shall, at a minimum, recover for the qualifying vendor the cost of raw materials, labor, overhead, and delivery; and shall be revised from time to time in accordance with changing cost factors. The office of administration may make such rules and regulations necessary to carry out the purposes of this section including specifications, time of delivery, assignment of products and services to be supplied by qualifying vendors, and other relevant matters of procedure. After a contract has been awarded, all state departments as defined in section 34.010 shall purchase the products and services on the procurement list as determined by the office of administration in accordance with this section. The office of administration may authorize the purchase of products and services from other sources when requisitions cannot reasonably be fulfilled by a qualifying vendor.

6. In assessing the suitability of any potential addition to the procurement list, the office of administration shall consider the interest of small businesses and businesses owned by disadvantaged persons by determining whether the addition would have a severe adverse impact on the current contractor for the commodity or service. Generally, an impact up to fifteen percent of the total revenue of the contractor would not be deemed severe. However, in deciding whether a proposed addition to the procurement list would have a severe adverse impact on the current contractor, the office of administration shall consider:

(1) Financial and employment information provided by the current contractor regarding the impact on the contractor's sales;

(2) Whether the contractor has been a consistent supplier of the commodity or service and, therefore, more dependent on such sales; and

(3) Any other factor the office of administration deems relevant.

7. Except as otherwise provided in this section, all departments shall purchase goods and services produced by a qualifying vendor if:

(1) The goods or services offered for sale by a qualifying vendor reasonably conform to the needs and specifications of the department; and

(2) The qualifying vendor can supply the goods or services within a reasonable time.

8. In furtherance of this act, the Governor may elect to appoint a committee of no fewer than five senior state agency procurement officials, at least one representative of a qualified nonprofit agency for the blind, and one representative of a qualified nonprofit agency for the significantly disabled, and one private citizen to collaborate to further the Act. Such committee will be unpaid, not require appropriation, and would serve in an advisory capacity only.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 33, Page 3, Section 209.200, Line 23, by inserting after all of said section and line the following:

“210.116. Notwithstanding any other provision of law, no child who is or is suspected to be the victim of abuse and neglect shall be denied access to mental health care and treatment, regardless of the person or entity responsible for the child’s care, custody, and control.

210.160. 1. In every case involving an abused or neglected child which results in a judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

(1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410, RSMo; or

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo.

2. The guardian ad litem shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child’s family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

3. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem’s duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The appointing judge shall have the authority to examine the general and criminal background of persons appointed as guardians ad litem, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are appointed to represent. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

4. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

5. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. Nonattorney volunteer advocates shall not provide legal representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child’s family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

6. Any person appointed to perform guardian ad litem duties shall have completed a training program in:

(1) Child abuse and neglect. The requirement of this subsection shall be satisfied if the guardian ad litem has a degree or significant training and experience in a mental health profession; and

(2) Permanency planning [and]. The guardian ad litem shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child.

A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 267**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 57**, entitled:

An Act to repeal sections 8.683, 8.685, 71.285, 144.032, and 205.205, RSMo, and to enact in lieu thereof nine new sections relating to certain civil actions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 57, Page 1, In the Title, Line 3, by deleting the word “civil” and inserting in lieu thereof the word “legal”; and

Further amend said bill, Page 11, Section 206.165, Line 68, by inserting after all of said section and line the following:

“313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related

duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses. Notwithstanding any other provision of law to the contrary, any fines collected for offenses committed under this subsection shall be deposited into the Veterans Commission Capitol Improvement Trust Fund established in section 42.300.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 34**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 34

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 34, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of

the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 34, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 34;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Cunningham
 /s/ Scott T. Rupp
 /s/ Michael L. Parson
 /s/ Ryan McKenna
 /s/ Gina Walsh

FOR THE HOUSE:

/s/ Lyndall Fraker
 /s/ Dave Schatz
 /s/ Kevin McManus

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Emery Nieves—2

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Cunningham, **CCS** for **HCS** for **SS** for **SB 34**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE BILL NO. 34**

An Act to repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater

Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—32

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Lamping moved that the Senate refuse to concur in **HA 1** for **SB 77** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 42**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Romine moved that the Senate refuse to concur in **HCS** for **SB 57**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator McKenna moved that the Senate refuse to concur in **HCS** for **SB 90**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Lamping moved that the Senate refuse to concur in **HA 2**, **HA 3**, **HA 4**, **HA 5** and **HA 6** to **SCS** for **SB 33** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dixon moved that the Senate refuse to concur in **HA 1** to **SB 327** and request the House to recede from its position and take up and pass the bill, which motion prevailed.

Senator Nieves assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Frank Meyer and Edna McDaniel, as members of the Missouri Quality Home Care Council;

Also,

Noelle C. Collins, Democrat, as a member of the Missouri Women's Council;

Also,

Jeanne Marie Dee and Travis Ford, as members of the Missouri State Board of Accountancy;

Also,

Glenn M. McCumber and Keith G. Hankins, Republicans, as members of the Missouri Southern State University Board of Governors;

Also,

Timothy Flora, as a member of the Board of Private Investigator and Private Fire Investigator Examiners;

Also,

Kathleen Tofall, as a member of the Sentencing and Corrections Oversight Commission;

Also,

Michael C. Rader, as a member of the Kansas City Board of Police Commissioners;

Also,

Elizabeth M. Pierson, as a member of the Advisory Committee for 911 Service Oversight; and

Gary Vandiver, Democrat, as a member of the State Soil and Water Districts Commission.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS ON THIRD READING

SCS for **SB 378**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 378

An Act to repeal sections 160.545, 173.250, and 173.1104, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarship programs.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 378** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh—31	

NAYS—Senator Wasson—1

Absent—Senator Sifton—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SB 41**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HJR 14**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the fifth state building fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SS** for **SB 262** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SCS** for **SB 157** and **SB 102** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** to **SCS** for **SB 36** and request the Senate grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SCS** for **SB 17** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SCS** for **SB 9** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SB 330** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SB 43** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS**, as amended, for **HCS** for **HB 1035** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HB 316** and requests the Senate to recede from its position on **SA 1** and take up and pass **HB 316**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 9**, as amended: Senators Pearce, Munzlinger, Sater, Curls and Chappelle-Nadal.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 17**, as amended: Senators Munzlinger, Lamping, Romine, Curls and Chappelle-Nadal.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 43**, as amended: Senators Munzlinger, Schaefer, Kehoe, Holsman and McKenna.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 157** and **SB 102**, as amended: Senators Sater, Kraus, Silvey, Justus and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 262**, as amended: Senators Curls, Rupp, Parson, Wallingford and Justus.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 330**, as amended: Senators Wasson, Cunningham, Sater, Keaveny and

Sifton.

HOUSE BILLS ON THIRD READING

HCS for HBs 374 and 434, with SCS, entitled:

An Act to repeal sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, and to enact in lieu thereof twenty-three new sections relating to the transfer of judicial positions by the supreme court.

Was called from the Informal Calendar and taken up by Senator Dixon.

SCS for HCS for HBs 374 and 434, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 374 and 434**

An Act to repeal sections 32.056, 43.518, 408.040, 476.057, 477.405, 478.320, 487.020, 488.305, 488.426, 488.2250, 488.5320, 513.430, 514.040, 525.020, 525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-six new sections relating to judicial procedures.

Was taken up.

Senator Dixon moved that **SCS for HCS for HBs 374 and 434** be adopted.

Senator Dixon offered **SS for SCS for HCS for HBs 374 and 434, entitled:**

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 374 and 434**

An Act to repeal sections 32.056, 43.518, 408.040, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.305, 488.426, 488.2250, 488.5320, 513.430, 514.040, 525.020, 525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-eight new sections relating to judicial procedures, with an effective date for certain sections.

Senator Dixon moved that **SS for SCS for HCS for HBs 374 and 434** be adopted.

Senator Romine offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 63, Section 632.505, Line 4 of said page, by inserting immediately after said line the following:

“Section 1. It is the intent of the legislature to reject and abrogate earlier case law interpretations

on the meaning of or definition of “sexually violent offense” to include, but not be limited to, holdings in: *Robertson v. State*, 392 S.W.3d 1 (Mo. App. W.D., 2012); and *State ex rel. Whitaker v. Satterfield*, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively.”; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Kraus offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 13, Section 477.405, Line 21, by inserting immediately thereafter the following:

“478.008. 1. Veterans treatment courts may be established by any circuit court, or combination of circuit courts, upon agreement of the presiding judges of such circuit courts to provide an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel.

2. A veterans treatment court shall combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving the United States armed forces, including members of the reserves, national guard, or state guard.

3. (1) Each circuit court, which establishes such courts as provided in subsection 1 of this section, shall establish conditions for referral of proceedings to the veterans treatment court; and

(2) Each circuit court shall enter into a memorandum of understanding with each participating prosecuting attorney in the circuit court. The memorandum of understanding shall specify a list of felony offenses ineligible for referral to the veterans treatment court. The memorandum of understanding may include other parties considered necessary including, but not limited to, defense attorneys, treatment providers, and probation officers.

4. (1) A circuit that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged.

(2) The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes.

(3) A transfer under this subsection is not valid unless it is agreed to by all of the following:

(a) The defendant or respondent;

(b) The attorney representing the defendant or respondent;

(c) The judge of the transferring court and the prosecutor of the case; and

(d) The judge of the receiving veterans treatment court and the prosecutor of the veterans treatment court.

(4) If the defendant is terminated from the veteran’s treatment court program the defendant’s

case shall be returned to the transferring court for disposition.

5. The defendant in any criminal proceeding accepted by a veterans treatment court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the veterans treatment court program for disposition shall be upon agreement of the parties.

6. Except for good cause found by the court, a veterans treatment court shall make a referral for substance abuse or mental health treatment, or a combination of substance abuse and mental health treatment, through the Department of Defense health care, the Veterans Administration, or a community-based treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program which is certified by the Missouri department of mental health, unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

7. Any statement made by a participant as part of participation in the veterans treatment court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile, or civil proceeding. Notwithstanding the foregoing, termination from the veterans treatment court program and the reasons for termination may be considered in sentencing or disposition.

8. Notwithstanding any other provision of law to the contrary, veterans treatment court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant.

9. Upon general request, employees of all such agencies shall fully inform a veterans treatment court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall:

- (1) Be treated as closed records;
- (2) Not be disclosed to any person outside of the veterans treatment court;
- (3) Be maintained by the court in a confidential file not available to the public.

10. Upon successful completion of the treatment program, the charges, petition, or penalty against a veterans treatment court participant may be dismissed, reduced, or modified. Any fees received by a court from a defendant as payment for substance abuse or mental health treatment programs shall not be considered court costs, charges, or fines.”; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 15, Section 478.073, Line 3, by striking the words “by April first”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 2, Section A, Line 10, by inserting after all of said line the following:

“1.010. **1.** The common law of England and all statutes and acts of parliament made prior to the fourth year of the reign of James the First, of a general nature, which are not local to that kingdom and not repugnant to or inconsistent with the Constitution of the United States, the constitution of this state, or the statute laws in force for the time being, are the rule of action and decision in this state, any custom or usage to the contrary notwithstanding, but no act of the general assembly or law of this state shall be held to be invalid, or limited in its scope or effect by the courts of this state, for the reason that it is in derogation of, or in conflict with, the common law, or with such statutes or acts of parliament; but all acts of the general assembly, or laws, shall be liberally construed, so as to effectuate the true intent and meaning thereof.

2. The general assembly expressly excludes from this section the common law of England as it relates to claims arising out of the rendering of or failure to render health care services by a health care provider, it being the intent of the general assembly to replace those claims with statutory causes of action.”; and

Further amend said bill, page 39, 525.310, line 25 of said page, by inserting after all of said line the following:

“538.210. **1. A statutory cause of action for damages against a health care provider for personal injury or death arising out of the rendering of or failure to render health care services is hereby created, replacing any such common law cause of action. The elements of such cause of action are that the health care provider failed to use that degree of skill and learning ordinarily used under the same or similar circumstances by similarly situated health care providers and that such failure proximately caused injury or death.**

2. In any action [against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services] **referenced in subsection 1 of this section**, no plaintiff shall recover more than three hundred fifty thousand dollars for noneconomic damages irrespective of the number of defendants.

[2.] **3.** (1) Such limitation shall also apply to any individual or entity, or their employees or agents that provide, refer, coordinate, consult upon, or arrange for the delivery of health care services to the plaintiff; and

(2) Who is a defendant in a lawsuit brought against a health care provider under this chapter, or who is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services.

(3) No individual or entity whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of such individual or entity whose liability is limited by the provisions of this chapter.

Such limitation shall apply to all claims for contribution.

[3.] **4.** In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform

the jury or potential jurors of such limitation.

[4.] **5.** For purposes of sections 538.205 to 538.230, any spouse claiming damages for loss of consortium of their spouse shall be considered to be the same plaintiff as their spouse.

[5.] **6.** Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.

[6.] **7.** For purposes of sections 538.205 to 538.230, all individuals and entities asserting a claim for a wrongful death under section 537.080 shall be considered to be one plaintiff.

8. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall submit that value to the secretary of state, to publish in the Missouri Register as soon after each January first as practicable. Publication of the value shall be exempt from the provisions of section 536.021. Notwithstanding any provision of this subsection to the contrary, the limitation on awards for noneconomic damages provided for in this section shall not exceed five hundred thousand dollars.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted.

Senator Dixon moved that **HCS** for **HBs 374** and **434**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The following message corrects the message delivered on May 9, 2013 to reflect the adoption of **HA 1** to **SCS** for **SB 33**.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 33**.

With House Amendment Nos. 1*, 2, 3, 4, 5 and 6.

* **HA 1** is attached.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 33, Page 3, Section 209.200, Line 20, by inserting immediately after all of said line the following:

“(f) “Professional therapy dog”, a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler’s occupation or profession. Such dogs, with their handlers,

perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the conference committee on **SCS** for **HCS** for **HB 1**, and has taken up and adopted **SCS** for **HCS** for **HB 1** and has taken up and passed **SCS** for **HCS** for **HB 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Mike Lair
/s/ Genise Montecillo

Senator Schaefer moved that the above conference committee report be adopted.

Senator Kehoe assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

Absent—Senators

Curls Parson—2

Absent with leave—Senator Holsman—1

Vacancies—None

The conference committee report on **SCS** for **HCS** for **HB 2** was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nieves
Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Chappelle-Nadal LeVota Nasheed Rupp—4

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Justus	Keaveny
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Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nieves
Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Chappelle-Nadal	LeVota	Nasheed	Rupp—4
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Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Lamping requested unanimous consent of the Senate to allow his motion requesting conference on **SCS** for **SB 33** to include **HA 1**, which request was granted.

Senator Parson moved that the Senate refuse to adopt the **CCR** on **SS** for **HCS** for **HJR**s **11** and **7**, as amended, and request the House grant the Senate a further conference; and further that the conferees be allowed to exceed the differences, which motion prevailed.

THIRD READING OF SENATE BILLS

Senator Pearce moved that **SS** for **SCS** for **SB 437** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **SB 437** was read the 3rd time and passed by the following vote:

YEAS—Senators

Curls	Dempsey	Dixon	Emery	Justus	Keaveny	Kraus	Lager
Lamping	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Schaaf	Schmitt	Sifton	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Brown	Chappelle-Nadal	Cunningham	Kehoe	LeVota	Nasheed	Sater	Schaefer
Walsh—9							

Absent—Senator Rupp—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the conference committee on **SCS** for **HCS** for **HB 13**, and has taken up and adopted **SCS** for **HCS** for **HB 13** and has taken up and passed **SCS** for **HCS** for **HB 13**.

Senator Kraus assumed the Chair.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Tom Flanigan
/s/ Genise Montecillo

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Pearce	Richard	Romine	Rupp	Sater	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senator LeVota—1

Absent—Senators

Lager	Parson	Schaaf—3
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Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator LeVota—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
Shalonn “Kiki” Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Denny Hoskins
/s/ Gail McCann Beatty

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Kehoe	Kraus
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford

Wasson—25

NAYS—Senators

Chappelle-Nadal	Justus	Keaveny	LeVota	McKenna	Nasheed	Walsh—7
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Absent—Senator Lager—1

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Chappelle-Nadal	Justus	Keaveny	LeVota	McKenna	Nasheed	Walsh—7
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Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee

Substitute for House Bill No. 5.

2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ Michael Kehoe

/s/ S. Kiki Curls

/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream

/s/ Mark Parkinson

/s/ Gail McCann Beatty

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Kraus LeVota—2

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Kraus LeVota—2

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Craig Redmon
/s/ Jeanne Kirkton

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Thomas Flanigan
/s/ Kevin McManus

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Marsha Haefer
Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV,

Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Michael Kehoe

/s/ Jill Schupp

/s/ S. Kiki Curls

/s/ Gina Walsh

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Sue Allen
Jeanne Kirkton

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator LeVota—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Emery LeVota—2

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
/s/ Tom Flanigan
Jeanne Kirkton

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lamping	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford

Wasson—25

NAYS—Senators

Curls	Justus	Keaveny	Lager	LeVota	Nasheed	Sifton	Walsh—8
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Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social

Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Kehoe	Kraus	Lamping
Libla	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Curls	Emery	Justus	Keaveny	Lager	LeVota	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
 /s/ Scott T. Rupp
 /s/ Michael Kehoe
 /s/ S. Kiki Curls
 /s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream
 /s/ Tom Flanigan
 Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator LeVota—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp

Sater Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh
Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Dixon moved that **HCS** for **HBs 374** and **434**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Brown, the above amendment was withdrawn.

Senator Pearce assumed the Chair.

At the request of Senator Dixon, **HCS** for **HBs 374** and **434**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HCS for **HBs 404** and **614**, with **SCS**, entitled:

An Act to repeal sections 287.067 and 287.243, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

Was called from the Informal Calendar and taken up by Senator Kehoe.

SCS for **HCS** for **HBs 404** and **614**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 404 and 614

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.200, 287.210, 287.220, 287.610, 287.715, and 287.745, RSMo, and to enact in lieu thereof twelve new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Was taken up.

Senator Kehoe moved that **SCS** for **HCS** for **HBs 404** and **614** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HBs 404** and **614**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 404 and 614

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.200, 287.210, 287.220, 287.243, 287.280, 287.610, 287.715, 287.745, and 287.955, RSMo, and to enact in lieu thereof fourteen new sections relating to workers' compensation, with an existing penalty provision and an effective date.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HBs 404** and **614** be adopted.

Senator Walsh offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 404 and 614, Page 21, Section 287.200, Lines 24-26 of said page, by striking all of said lines and inserting in lieu thereof the following: "**of permanent total disability and death; and**"; and

Further amend said bill and section, Page 22, Line 22 of said page, by striking "2023" and inserting in lieu thereof the following: "**2038**"; and

Further amend said bill, Page 29, Section 287.213, Line 3 of said page, by striking "2023" and inserting in lieu thereof the following: "**2038**".

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 404 and 614, Page 58, Section 287.955, Line 21, by inserting immediately after said line, the following:

"287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014."; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 404 and 614, Page 28, Section 287.213, Line 1, by inserting immediately after “287.200.” the following: **“The surcharge shall be increased in an amount that shall generate, as nearly as possible, one hundred percent of the moneys to be paid for the administration and defense of the mesothelioma fund in the following calendar year.”**; and further amend line 27, by inserting immediately after the word “fund” the following: **“, shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the mesothelioma fund,”**; and

Further amend said section, page 29, line 1, by inserting immediately at the end of said line, the following: **“Any legal expenses incurred by the attorney general’s office in the handling of claims against the mesothelioma fund, including, but not limited to, medical examination fees, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the mesothelioma fund. The payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general’s office for this specific purpose.”**.

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Kehoe, **HCS** for **HBs 404** and **614**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 262**, as amended. Representatives: Molendorp, Scharnhorst, and McNeil.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 157** and **SB 102**, as amended. Representatives: Phillips, Dugger, and Nichols.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 17**, as amended. Representatives: Thomson, Scharnhorst, and Montecillo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has

appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 330**, as amended. Representatives: Burlison, Keeney, and Kratky.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 9**, as amended. Representatives: Guernsey, Richardson, and Mitten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 43**, as amended. Representatives: Kolkmeier, Schatz, and Schieffer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 350**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 17** and has taken up and passed **SCS** for **HCS** for **HB 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 18** and has taken up and passed **SCS** for **HB 18**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 19** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 19**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **HB 253** and has taken up and passed **SS** for **HB 253**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **SS** for **HCS** for **HJR**s **11** and **7**, as amended, and the conferees be allowed to exceed the differences.

The Speaker hereby reappoints the following Conference Committee to act with a like committee from the Senate on **SCS** for **HCS** for **HJR**s **11** and **7**, as amended. Representatives: Richardson, Reiboldt, and Black.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **SCS** for **SB 240**.

Bill ordered enrolled.

REFERRALS

President Pro Tem Dempsey referred **HJR 16**, with **SCS**; **HCS** for **HB 320**; **HCS** for **HB 114**; and **HCS** for **HB 349** to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HJRs 11** and **7**, as amended: Senators Parson, Munzlinger, Brown, Justus and Sifton.

PRIVILEGED MOTIONS

Senator Wallingford moved that the Senate grant the House a conference on **SCS** for **SB 36**, as amended, which motion prevailed.

Senator Schmitt moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1035**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Sater moved that the Senate recede from its position on **SA 1** to **HB 316**, which motion prevailed.

On motion of Senator Sater, **HB 316** was read the 3rd reading time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 36**, as amended: Senators Wallingford, Dixon, Romine, Justus and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee

from the House on **SCS** for **HCS** for **HB 1035**, as amended: Senators Schmitt, Pearce, Dixon, McKenna and Holsman.

HOUSE BILLS ON THIRD READING

Senator Dixon moved that **HCS** for **HBs 374** and **434**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 374** and **434**, as amended, was again taken up.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Dempsey referred **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 950, regarding Robin Barnes, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 951, regarding Edna Rinker, Crane, which was adopted.

Senator Sater offered Senate Resolution No. 952, regarding Dr. Jonathan Apostol, Monett, which was adopted.

Senator Silvey offered Senate Resolution No. 953, regarding Rachel “Spunky” Kinahan, which was adopted.

Senator Lager offered Senate Resolution No. 954, regarding Tyler Maberry, which was adopted.

Senator Kehoe offered Senate Resolution No. 955, regarding Devin Koestner, Lohman, which was adopted.

Senator Justus offered Senate Resolution No. 956, regarding Alec Elliott Kelley, Lake St. Louis, which was adopted.

Senator Schaaf offered Senate Resolution No. 957, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Roger Krofft, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 958, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert S. Marshall, St. Joseph, which was adopted.

Senator Romine offered Senate Resolution No. 959, regarding Nancy S. Kaalberg, which was adopted.

Senators Brown and Kehoe offered Senate Resolution No. 960, regarding Shane Zimmer, Howard Booe, Scott Seib and Bryan Libbert of the Bawlszenhier Brewmasters softball team, which was adopted.

Senator LeVota offered Senate Resolution No. 961, regarding Nathan Ellermeier, Columbia, which was adopted.

Senator LeVota offered Senate Resolution No. 962, regarding Project Shine, Independence School District, which was adopted.

Senator Sater offered Senate Resolution No. 963, regarding Ozark Beach hydroelectric plant, Forsyth,

which was adopted.

Senator LeVota offered Senate Resolution No. 964, regarding Arbor Day, Independence, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Mrs. Amy Brauner and Mrs. Phyllis Struempf and fifty-eight seventh grade students from St. Peters Interparish School, Jefferson City.

On motion of Senator Richard, the Senate adjourned until 2:00 p.m., Monday, May 13, 2013.

SENATE CALENDAR

SIXTY-SIXTH DAY—MONDAY, MAY 13, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS#2 for HJR 14

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HB 473 (Lager) (In Fiscal Oversight) | 9. HCS for HB 117, with SCS (Rupp) |
| 2. HCS for HB 215, with SCS (Dixon) (In Fiscal Oversight) | 10. HB 148-Davis, et al, with SCS (Brown) |
| 3. HCS for HB 168 (Kraus) | 11. HB 103-Kelley (127), et al, with SCS (Munzlinger) |
| 4. HCS for HB 58 (Wasson) | 12. HB 428-Schatz, with SCS (Wasson) |
| 5. HB 409-Love and Remole (Parson) (In Fiscal Oversight) | 13. HCS for HJRs 5 & 12, with SCS (Kraus) |
| 6. HB 339-Wieland, et al (Dempsey) | 14. HCS for HBs 48 & 216 (Kraus) |
| 7. HCS for HBs 593 & 695 (Schaaf) | 15. HB 510-Torpey and Wieland (Rupp) |
| 8. HB 142-Dugger, with SCS (Walsh) | 16. HB 322-Gosen, et al, with SCS (Rupp) |
| | 17. HCS for HB 345, with SCS (Lager) |
| | 18. HCS for HB 134, with SCS (Schmitt) |

- | | |
|---|---|
| 19. HB 451-Fraker, et al (Sater) | 29. HCS for HB 175, with SCS (Parson) |
| 20. HB 116-Dugger, with SCS (Dixon) | 30. HCS for HB 128 (Rupp) |
| 21. HB 533-Riddle, et al, with SCS
(Munzlinger) | 31. HCS for HB 114 (Brown) (In Fiscal
Oversight) |
| 22. HB 278-Brattin, et al (Emery) | 32. HB 450-Carpenter, et al, with SCS
(Silvey) |
| 23. HB 650-Ross, et al, with SCS
(Munzlinger) | 33. HCS for HB 349 (Kehoe) (In Fiscal
Oversight) |
| 24. HCS for HB 440, with SCS (Munzlinger) | 34. HB 85-Kelley (127), et al (Dixon) |
| 25. HCS for HB 110, with SCS (Kraus) | 35. HCS for HB 418 (Silvey) |
| 26. HB 625-Burlison, with SCS (Wasson) | 36. HCS for HB 722, with SCS (Lamping) |
| 27. HJR 16-McCaherty, et al, with SCS
(Schaaf) (In Fiscal Oversight) | 37. HCS for HB 611, with SCS (Rupp) |
| 28. HCS for HB 320 (Lager) (In Fiscal
Oversight) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 3-Rupp, with SA 1 (pending) | SB 272-Nieves, with SA 2 (pending) |
| SB 13-Schaefer, with SCS | SB 285-Romine |
| SB 21-Dixon | SB 291-Rupp |
| SB 22-Dixon | SB 292-Rupp |
| SB 30-Brown, with SCS | SB 308-Schaaf |
| SB 48-Lamping | SB 315-Pearce |
| SB 53-Lamping | SB 325-Nieves |
| SB 61-Keaveny, with SCA 1 (pending) | SB 339-Romine |
| SB 65-Dixon, with SCS | SB 343-Parson |
| SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending) | SB 364-Parson |
| SB 82-Schaefer, with SCS | SB 371-Munzlinger, with SCS |
| SB 109-Brown, with SCS | SB 377-Dixon |
| SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending) | SB 383-Wallingford |
| SB 141-Dempsey | SB 396-Holsman and Chappelle-Nadal,
with SCS |
| SB 167-Sater and Wallingford, with SCS | SB 403-Rupp, with SCS |
| SB 174-Parson, with SCS | SB 410-Kehoe |
| SB 175-Wallingford | SB 419-Lager, with SCS |
| SB 207-Kehoe, et al, with SCS | SB 423-Nasheed |
| SB 231-Munzlinger, with SA 1 (pending) | SB 441-Dempsey |
| SB 239-Emery, with SCS & SA 2 (pending) | SB 448-Schmitt and Keaveny |
| SB 250-Schaaf, with SCS | SB 455-Nieves, with SCS |
| SB 259-Schaaf, with SCS | SJR 2-Lager |

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HB 274-Brattin, et al, with SCS (Brown)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HB 346-Molendorp (Wasson)
HB 112-Burlison, with SA 2 (pending) (Brown)	SS for SCS for HCS for HBs 374 & 434 (Dixon) (In Fiscal Oversight)
HB 184-Cox, et al (Parson)	HCS for HBs 404 & 614, with SCS & SS for SCS (pending) (Kehoe)
HCS for HB 194 (Parson)	HB 432-Funderburk, et al, with SCS & SA 1 (pending) (Lager)
HB 196-Lauer, et al, with SCS, SA 1 & point of order (pending) (Romine)	HCS for HB 457, with SCS (Rupp)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus, with HCS, as amended	SS for SCS for SB 114-Schmitt, with HA 1, as amended
SCS for SB 45-Dixon, with HCS, as amended	SCS for SB 248-Wasson, with HA 1 & HA 2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS, as amended	SCS for SB 117-Kraus, with HCS, as amended (Senate adopted CCR and passed CCS)
SCS for SB 9-Pearce, with HCS, as amended	SCS for SB 157 & SB 102-Sater, with HCS, as amended
SCS for SB 17-Munzlinger and Romine, with HCS, as amended	SS for SB 262-Curls, with HCS, as amended
SB 23-Parson, with HCS, as amended (Senate adopted CCR and passed CCS)	SB 330-Wasson, with HCS, as amended
SS for SB 34-Cunningham, with HCS, as amended (Senate adopted CCR and passed CCS)	HB 307-Riddle, et al, with SS for SCS, as amended (Schmitt)
SCS for SB 36-Wallingford and Sifton, with HA 1	HCS#2 for HB 698, with SCS, as amended (Schmitt)
SB 43-Munzlinger, with HCS, as amended	HCS for HB 1035, with SCS, as amended (Schmitt)
SCS for SB 106-Brown, with HA 1, HA 2, HA 3, HA 4, as amended & HA 5 (Senate adopted CCR and passed CCS)	HCS for HJR 11 & 7, with SS, as amended (Parson) (Further conference granted)

Requests to Recede or Grant Conference

SCS for SB 33-Lamping, with HA 1, HA 2, HA 3, HA 4, HA 5 & HA 6 (Senate requests House recede or grant conference)

SB 41-Munzlinger, with HCS, as amended (Senate requests House recede or grant conference)

SCS for SB 42-Munzlinger, with HCS, as amended (Senate requests House recede or grant conference)

SB 57-Romine, with HCS, as amended (Senate requests House recede or grant conference)

SB 77-Lamping, with HA 1 (Senate requests House recede or grant conference)

SB 90-McKenna, with HCS, as amended (Senate requests House recede or grant conference)

SB 327-Dixon, with HA 1 (Senate requests House recede & take up and pass bill)

RESOLUTIONS

Reported from Committee

HCR 7-Pfautsch, et al (Richard)
HCR 16-Walton Gray, et al
(Chappelle-Nadal)
HCR 25-Allen

HCR 28-Lynch, et al (Brown)
SCR 3-Walsh
SCR 4-Schmitt, et al
SCR 15-Romine

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—MONDAY, MAY 13, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Faith comes by hearing and hearing by the Word of God.” (Romans 10:17)

Blessed Lord, we begin our final week grateful that we have come to this point knowing that You have been with us and opened our hearts and minds to Your prompting. As the pressures continue to rise and the clock continues to click off the seconds of our remaining time here, quiet our souls so that we might deal with all that comes our way with unstressed hearts and clear minds so our decisions are prudent and wise. And let our mantra be: “Father not my will but Your will be done.” In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 9, 2013 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of Senator Rupp, Senator Richard offered Senate Resolution No. 965, regarding Sara Stubbett, which was adopted.

Senator Romine offered Senate Resolution No. 966, regarding Ronald D. Swafford, which was adopted.

Senator Romine offered Senate Resolution No. 967, regarding Melissa Thurman, which was adopted.

Senator Romine offered Senate Resolution No. 968, regarding Sally Grounds, Bismarck, which was adopted.

Senator Schmitt offered Senate Resolution No. 969, regarding John Carney, which was adopted.

Senator Dempsey offered Senate Resolution No. 970, regarding Adriana Rhine, West Plains, which was adopted.

Senator Wasson offered Senate Resolution No. 971, regarding Tyler Campbell, Nixa, which was adopted.

Senator Nieves offered Senate Resolution No. 972, regarding West Saint Louis County Chamber of Commerce, Ellisville, which was adopted.

Senator Nieves offered Senate Resolution No. 973, regarding the Veterans Administration Saint Louis Health Care System volunteer service and the Disabled American Veterans transportation department, which was adopted.

Senator Nieves offered Senate Resolution No. 974, regarding the One Hundredth Anniversary of Farmers and Merchants Bank, St. Clair, which was adopted.

Senator Nieves offered Senate Resolution No. 975, regarding Verne Luther, Chesterfield, which was adopted.

Senator Nieves offered Senate Resolution No. 976, regarding Merrill C. Hinzpeter, Chesterfield, which was adopted.

Senator Sifton offered Senate Resolution No. 977, regarding Kelsey Jean Meline, which was adopted.

Senator Sifton offered Senate Resolution No. 978, regarding Kale Evan Gosney, which was adopted.

Senator Sifton offered Senate Resolution No. 979, regarding Blake Moreland Lawrence, which was adopted.

Senator Schmitt offered Senate Resolution No. 980, regarding Edward Barry Stevens, Saint Louis, which was adopted.

Senator McKenna offered Senate Resolution No. 981, regarding Jarrid Allen Snyder, Cedar Hill, which was adopted.

Senator Wasson offered Senate Resolution No. 982, regarding the Fifty-sixth Nixa Sucker Day Parade and Festival, which was adopted.

Senator LeVota offered Senate Resolution No. 983, regarding the 2013 Fort Osage Teacher of the Year, Kathy Smith, which was adopted.

Senator Holsman offered Senate Resolution No. 984, regarding Murrielisa Smith, Kansas City, which

was adopted.

Senator LeVota offered Senate Resolution No. 985, regarding Olivia Sandbothe, Kirksville, which was adopted.

On behalf of Senator Rupp, Senator Richard offered Senate Resolution No. 986, regarding Chief Thomas A. Bishop, Saint Peters Police Department, which was adopted.

Senator Holsman offered Senate Resolution No. 987, regarding James B. Nutter, Sr., Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Richard moved that **HCR 7** be taken up for adoption, which motion prevailed.

On motion of Senator Richard, **HCR 7** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 409**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 350**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Dempsey assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 350**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no

objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HJR**s **5** and **12**, with **SCS** and **HCS** for **HB**s **48** and **216** to the Committee on Governmental Accountability and Fiscal Oversight.

CONCURRENT RESOLUTIONS

Senator Brown moved that **HCR 28** be taken up for adoption, which motion prevailed.

On motion of Senator Brown, **HCR 28** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

Senator Schmitt moved that **SCR 4** be taken up for adoption, which motion prevailed.

On motion of Senator Schmitt, **SCR 4** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

Senator Romine moved that **SCR 15** be taken up for adoption, which motion prevailed.

Senator Romine offered **SS** for **SCR 15**, entitled:

SENATE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the easily extracted, high purity lead ore in Missouri was a critical reason for the early development of Missouri and has provided good jobs, a way of life, and significant economic development to Missourians for centuries; and

WHEREAS, the lead industry in Missouri is the only primary, domestic source for that strategic material in America; and

WHEREAS, new technology now makes production of primary lead metal a safe, cost effective, and valuable means of continuing to provide a strategic material for numerous uses including munitions, protective barriers for x-rays, radioactive fallout, and radioactive contamination, and batteries for numerous uses including cars, trucks, electric vehicles, renewable energy storage, and peaking power reduction; and

WHEREAS, encouraging a safe, healthy, and lucrative lead industry in Missouri will give rise to good paying jobs, significant economic development, and the resources to mitigate the legacy of environmental issues caused by lead extraction:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create the Missouri Lead Industry Employment, Economic Development and Environmental Remediation Task Force; and

BE IT FURTHER RESOLVED that the mission of task force shall be to fully consider and make recommendations in a report to the General Assembly on:

- (1) The effects of a prompt environmental settlement giving rise to efficient and cost effective remediation;
- (2) Ways to promote the development of a clean lead industry;
- (3) Clean lead industry legislative proposals including rules and regulations necessary for implementation;
- (4) The economic potential of implementing clean lead industry policies; and

BE IT FURTHER RESOLVED that the task force be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the task force shall consist of all of the following members:

- (1) The Governor, or his or her designee, to serve as a member of the task force; and
- (2) One member of the general assembly of the majority party appointed by the president pro tem of the senate, to serve as the chair of the task force; and
- (3) One member of the general assembly of the majority party appointed by the speaker of the house of representatives, to serve as the vice-chair and secretary of the task force, and who will provide an agenda and report minutes of the task force; and
- (4) The Attorney General, or his or her designee, to serve as a member and provide technical assistance to the task force; and
- (5) The Director of the Department of Natural Resources, or his or her designee, to serve as a member and provide technical assistance to the task force; and
- (6) One member of the majority party of the senate and one member of the minority party of the senate appointed by the president pro tempore of the senate; and
- (7) One member of the majority party of the house of representatives and one member of the minority party of the house of representatives appointed by the speaker of the house of representatives; and
- (8) A representative of industry appointed by the president pro tem of the senate; and
- (9) A representative of industry appointed by the speaker of the house of representatives; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the task force, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee; and

BE IT FURTHER RESOLVED that the chair or vice-chair and secretary of the task force shall call an organizational meeting within fifteen days of the adoption of this resolution; and

BE IT FURTHER RESOLVED that the task force shall terminate by either a majority of members voting for termination, or by February 1, 2014, whichever occurs first; and

BE IT FURTHER RESOLVED that on the date of termination, the task force shall deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, Attorney General Chris Koster, and the Director of the Department of Natural Resources.

Senator Romine moved that **SS** for **SCR 15** be adopted, which motion prevailed.

On motion of Senator Romine, **SCR 15**, as amended by **SS**, was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

Senator Walsh moved that **SCR 3** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Walsh, **SCR 3**, entitled:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to recognition of September 26th as Mesothelioma Awareness Day in Missouri.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Walsh, title to the concurrent resolution was agreed to.

Senator Walsh moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Wasson moved that the Senate refuse to concur in **HA 1** and **HA 2** to **SB 248** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dixon moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 45**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Curls moved that the Senate conferees on **HCS** for **SS** for **SB 262**, as amended, be allowed to exceed the differences in sections of the bill relating to navigators, exclusive network plans and deemer language relative to the Department of Insurance, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Kraus, **HCS** for **HB 168** was placed on the Informal Calendar.

At the request of Senator Wasson, **HCS** for **HB 58** was placed on the Informal Calendar.

At the request of Senator Parson, **HB 409** was placed on the Informal Calendar.

At the request of Senator Dempsey, **HB 339** was placed on the Informal Calendar.

At the request of Senator Schaaf, **HCS** for **HBs 593** and **695** was placed on the Informal Calendar.

At the request of Senator Walsh, **HB 142**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wasson, **HCS** for **HB 117**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **HB 148**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Munzlinger, **HB 103**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wasson, **HB 428**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sifton, **HB 510** was placed on the Informal Calendar.

At the request of Senator Parson, **HB 322**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lager, **HCS** for **HB 345**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schmitt, **HCS** for **HB 134**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **HB 451** was placed on the Informal Calendar.

HB 116, introduced by Representative Dugger, with **SCS**, entitled:

An Act to repeal sections 50.055 and 50.057, RSMo, and to enact in lieu thereof two new sections relating to county government accounts audits.

Was taken up by Senator Dixon.

SCS for **HB 116**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 116

An Act to repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 103.025, 104.190, 104.480, 169.020, and 238.272, RSMo, and to enact in lieu thereof twenty-three new sections relating to public accounts, with penalty provisions.

Was taken up.

Senator Dixon moved that **SCS** for **HB 116** be adopted.

Senator Dixon offered **SS** for **SCS** for **HB 116**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 116

An Act to repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 103.025, 104.190, 104.480, 169.020, and 238.272, RSMo, and to enact in lieu thereof twenty-three new sections relating to public accounts, with penalty provisions.

Senator Dixon moved that **SS** for **SCS** for **HB 116** be adopted.

Senator Keaveny offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 116, Page 18, Section 29.260, Line 18, by inserting immediately after all of said line, the following:

“29.305. 1. The state auditor shall make a one-time report on the costs, both direct and indirect, born by county and state governments in the prosecution and defense of at least ten cases filed on or after January 1, 1990, in which a death sentence was sought and was imposed and compare such costs to the costs of an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was not sought and the defendant was sentenced to life without the possibility for parole and an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was sought, but the defendant was sentenced to life without the possibility for parole at the conclusion of a sentencing phase. The auditor may make additional comparisons including other sentences imposed for homicide offenses.

2. In selecting the cases in which a death sentence was not imposed, the auditor shall use a scientific method of random sampling that includes all cases filed on or after January 1, 1990.

3. The comparison shall include the following costs estimated by the auditor to be related to the cases examined and compared under subsection 1 of this section:

(1) Staff salaries, benefits, and operating expenses for the attorney general’s office, including any contracts for assistance;

(2) Staff salaries, benefits, and operating expenses for the department of corrections, including costs related to housing inmates sentenced to death, carrying out the death penalty, and any contracts for assistance;

(3) Staff salaries, including salaries of prosecuting and circuit attorneys, benefits, operating expenses charged to counties, including expenses in preparing for the presentation of aggravating and mitigating circumstances with respect to sentencing proceedings in death penalty cases, expert witness fees, additional investigations, and contracts for assistance;

(4) Staff salaries, benefits, and operating expenses for the Missouri state public defender system; and

(5) Staff salaries, benefits, and operating expenses for the supreme court, courts of appeals, and circuit courts.

4. The auditor shall present the report to the governor, members of the general assembly, and the Missouri supreme court by June 30, 2015.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 116, Page 4, Section 29.005, Lines 6-8, by striking the words “or any other entity for which the state has oversight responsibility,”.

Senator Lager moved that the above amendment be adopted.

At the request of Senator Dixon, **HB 116**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

At the request of Senator Munzlinger, **HB 533**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Emery, **HB 278** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **HB 650**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Munzlinger, **HCS** for **HB 440**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kraus, **HCS** for **HB 110**, with **SCS**, was placed on the Informal Calendar.
HB 625, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **HCS** for **HB 175**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kraus, **HCS** for **HB 128** was placed on the Informal Calendar.

At the request of Senator Silvey, **HB 450**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dixon, **HB 85** was placed on the Informal Calendar.

At the request of Senator Silvey, **HCS** for **HB 418** was placed on the Informal Calendar.

At the request of Senator Lamping, **HCS** for **HB 722**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kraus, **HCS** for **HB 611**, with **SCS**, was placed on the Informal Calendar.

HB 339, introduced by Representative Wieland, et al, entitled:

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

Was called from the Informal Calendar and taken up by Senator Dempsey.

Senator Kraus assumed the Chair.

On motion of Senator Dempsey, **HB 339** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **SB 36**, as amended. Representatives: Hicks, Cox and Lafaver.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1035**, as amended. Representatives: Kelley (127), Curtman and Swearingen.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 357**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 58**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 58, Page 1, Section A, Line 2, by inserting after all of said line the following:

“71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days’ notice thereof, either personally or by United States mail to the owner or owners, or the owner’s agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce

a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, [or] in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants, or in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants,** the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash,

and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 58, Section A, Page 1, Line 2, by inserting after all of said line the following:

“71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term “contiguous and compact” does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term “contiguous and compact” does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term “common-interest community” shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A “common-interest community” shall be defined as real property with respect to which a person, by virtue of such person’s ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. “Ownership of a unit” does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A “cooperative” shall be defined as a common-interest community in which the real property is

owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the

area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with

a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area**

shall be brought within five years of the date of the adoption of the annexation ordinance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 229**, entitled:

An Act to repeal section 630.170, RSMo, and to enact in lieu thereof one new section relating to the mental health employment disqualification registry.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 29**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 205**, entitled:

An Act to repeal section 211.036, RSMo, and to enact in lieu thereof two new sections relating to foster children.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HCS for **HB 58**, entitled:

An Act to repeal section 379.1510, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Wasson.

Senator Wasson offered **SS** for **HCS** for **HB 58**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 58

An Act to repeal section 379.1510, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance, with an emergency clause.

Senator Wasson moved that **SS** for **HCS** for **HB 58** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **HCS** for **HB 58** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown

Chappelle-Nadal

Cunningham

Curls

Dempsey

Dixon

Emery

Holsman

Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 451, introduced by Representative Fraker, et al, entitled:

An Act to repeal section 50.622, RSMo, and to enact in lieu thereof one new section relating to procedures for counties to decrease their budgets.

Was called from the Informal Calendar and taken up by Senator Sater.

Senator Silvey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 451, Page 2, Section 50.622, Line 23, by inserting immediately after all of said line, the following:

“208.1050. 1. There is hereby created in the state treasury the “Missouri Senior Services

Protection Fund”, which shall consist of money collected under subsection 2 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of subsection 2 of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The state treasurer shall deposit from moneys that otherwise would have been deposited into the general revenue fund an amount equal to fifty-five million one hundred thousand dollars into the Missouri senior services protection fund. At least one-quarter of such amount shall be deposited on or before July 15, 2013, an additional one-quarter by October 15, 2013, and an additional one-quarter by January 15, 2014. The remaining amount shall be deposited by March 15, 2014. Moneys in the fund shall be allocated for services for low-income seniors and people with disabilities.

Section B. Because immediate action is necessary to protect low-income seniors and disabled persons, the enactment of section 208.1050 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 208.1050 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Silvey moved that the above amendment be adopted.

Senator Schaaf raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

President Kinder assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Sater, **HB 451** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 322, introduced by Representative Gosen, et al, with **SCS**, entitled:

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof two new sections relating to the modernization of certain information provided by insurance companies, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Parson.

SCS for **HB 322**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 322

An Act to repeal sections 303.024 and 303.200, RSMo, and to enact in lieu thereof five new sections relating to providing and presenting certain insurance documents through electronic means, with penalty provisions.

Was taken up.

Senator Parson moved that **SCS** for **HB 322** be adopted.

Senator LeVota offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 322, Page 1, by inserting after all of said line the following:

“301.301. [1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2.] Any person replacing a stolen license plate tab [issued prior to January 1, 2009,] may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted.

Senator Parson raised the point of order that **SA 1** is out of order as it goes beyond the scope of the language of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Parson moved that **SCS** for **HB 322** be adopted, which motion prevailed.

On motion of Senator Parson, **SCS** for **HB 322** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater

Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—32

NAYS—Senators—None

Absent—Senator Kehoe—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 208**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 69**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 127**, entitled:

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof two new sections relating to public assistance benefits.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 127, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“208.146. 1. The program established under this section shall be known as the “Ticket to Work Health Assurance Program”. Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income

Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, “gross income” includes all income of the person and the person’s spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an “independent living account” means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person’s disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse’s earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker’s dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire [six years after] August 28, [2007] **2019**.

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age

but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after

July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) **Effective August 28, 2013**, persons who are [independent foster care adolescents, as defined in 42 U.S.C. Section 1396d, or who are within reasonable categories of such adolescents who are under twenty-one years of age as specified by the state, are eligible for coverage under 42 U.S.C. Section 1396a (a)(10)(A)(ii)(XVII) without regard to income or assets] **in foster care under the responsibility of the state of Missouri on the date such persons attain the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:**

(a) Are under twenty-six years of age;

(b) Are not eligible for coverage under another mandatory coverage group; and

(c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with [section 431.064 and] chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical

assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).”; and

Further amend said bill, Page 10, Section 208.240, Line 5, by inserting after all of said section and line the following:

“208.895. 1. Upon **the** receipt of a properly completed referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] or a physician’s order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] Process, **review and approve or deny** the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange] **For approved referrals, arrange** for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician’s order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] (3) Notify the referring entity **or individual** within five business days of receiving the referral if

[additional information] **a different physical address** is required to [process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days] **schedule the assessment. The referring entity has five days to provide a current physical address if requested by the department. If a different physical address is needed, the fifteen-day limit included in subdivision (1) of this subsection is suspended until the information is received by the department;**

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. **If the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:**

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.

The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract] **has not complied with subdivision (1) of subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin to the provider based on the assessment and care plan recommendation submitted by the provider.**

3. [The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed

by home- and community-based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.

4. The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective. If the department assessment determines the client does not meet level of care, the state shall not be responsible for the cost of services claimed prior to the department’s written notification to the provider of such denial.**

4. The department shall implement subsections 2 and 3 of this section unless the Centers for Medicare and Medicaid Services disapproves any necessary state plan amendments or waivers to implement the provisions in subsections 2 and 3 of this section allowing providers to perform assessments.

5. The department’s auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) “Assessment” means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

(a) Is conducted by an assessor trained to perform home- and community-based care assessments;

(b) Uses forms provided by the department;

(c) Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and

(d) Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant’s assessment and authorization process.

(2) A “properly completed referral” shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:

(a) The stated need for MO HealthNet home- and community-based services;

(b) The name, date of birth, and Social Security number of the client or person needing service, or the client’s or person’s MO HealthNet number; and

(c) The current physical address and phone number of the client or person needing services.

Addition information which may assist the department including contact information of a responsible

party shall also be submitted.

7. The department shall:

- (1) Develop an automated electronic assessment care plan tool to be used by providers; and**
- (2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.**

8. No later than December 31, 2014, the department of health and senior services shall submit a report to the general assembly that reviews the following:

- (1) How well the department is doing on meeting the fifteen-day requirement;**
- (2) The process the department used to approve the assessors;**
- (3) Financial data on the cost of the program prior to and after enactment of this section;**
- (4) Any audit information available on assessments performed outside the department; and**
- (5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.**

208.990. 1. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage individuals shall meet the eligibility criteria set forth in 42 CFR 435, including but not limited to the requirements that:

- (1) The individual is a resident of the state of Missouri;**
- (2) The individual has a valid Social Security number;**
- (3) The individual is a citizen of the United States or a qualified alien as described in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. Section 1641, who has provided satisfactory documentary evidence of qualified alien status which has been verified with the Department of Homeland Security under a declaration required by Section 1137(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that the applicant or beneficiary is an alien in a satisfactory immigration status; and**
- (4) An individual claiming eligibility as a pregnant woman shall verify pregnancy.**

2. Notwithstanding any other provisions of law to the contrary, effective January 1, 2014, the family support division shall conduct an annual redetermination of all MO HealthNet participants' eligibility as provided in 42 CFR 435.916. The department may contract with an administrative service organization to conduct the annual redeterminations if it is cost effective.

3. The department, or family support division, shall conduct electronic searches to redetermine eligibility on the basis of income, residency, citizenship, identity and other criteria as described in 42 CFR 435.916 upon availability of federal, state, and commercially available electronic data sources. The department, or family support division, may enter into a contract with a vendor to perform the electronic search of eligibility information not disclosed during the application process and obtain an applicable case management system. The department shall retain final authority over eligibility determinations made during the redetermination process.

4. Notwithstanding any other provisions of law to the contrary, applications for MO HealthNet benefits shall be submitted in accordance with the requirements of 42 CFR 435.907 and other

applicable federal law. The individual shall provide all required information and documentation necessary to make an eligibility determination, resolve discrepancies found during the redetermination process, or for a purpose directly connected to the administration of the medical assistance program.

5. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage under section 208.995, individuals shall meet the eligibility requirements set forth in subsection 1 of this section and all other eligibility criteria set forth in 42 CFR 435 and 457, including, but not limited to, the requirements that:

(1) The department of social services shall determine the individual's financial eligibility based on projected annual household income and family size for the remainder of the current calendar year;

(2) The department of social services shall determine household income for the purpose of determining the modified adjusted gross income by including all available cash support provided by the person claiming such individual as a dependent for tax purposes;

(3) The department of social services shall determine a pregnant woman's household size by counting the pregnant woman plus the number of children she is expected to deliver;

(4) CHIP-eligible children shall be uninsured, shall not have access to affordable insurance, and their parent shall pay the required premium;

(5) An individual claiming eligibility as an uninsured woman shall be uninsured.

208.995. 1. For purposes of this section and section 208.990, the following terms mean:

(1) "Child" or "children", a person or persons who are under nineteen years of age;

(2) "CHIP-eligible children", children who meet the eligibility standards for Missouri's children's health insurance program as provided in sections 208.631 to 208.658, including paying the premiums required under sections 208.631 to 208.658;

(3) "Department", the Missouri department of social services, or a division or unit within the department as designated by the department's director;

(4) "MAGI", the individual's modified adjusted gross income as defined in Section 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:

(a) Any foreign earned income or housing costs;

(b) Tax-exempt interest received or accrued by the individual; and

(c) Tax-exempt Social Security income;

(5) "MAGI equivalent net income standard", an income eligibility threshold based on modified adjusted gross income that is not less than the income eligibility levels that were in effect prior to the enactment of Public Law 111-148 and Public Law 111-152.

2. (1) Effective January 1, 2014, notwithstanding any other provision of law to the contrary, the following individuals shall be eligible for MO HealthNet coverage as provided in this section:

(a) Individuals covered by MO HealthNet for families as provided in section 208.145;

(b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C. Section 1396r-6;

(c) Individuals covered by extended MO HealthNet for families on child support closings as provided in 42 U.S.C. Section 1396r-6;

(d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection 1 of section 208.151;

(e) Children under one year of age as provided in subdivision (12) of subsection 1 of section 208.151;

(f) Children under six years of age as provided in subdivision (13) of subsection 1 of section 208.151;

(g) Children under nineteen years of age as provided in subdivision (14) of subsection 1 of section 208.151;

(h) CHIP-eligible children; and

(i) Uninsured women as provided in section 208.659.

(2) Effective January 1, 2014, the department shall determine eligibility for individuals eligible for MO HealthNet under subdivision (1) of this subsection based on the following income eligibility standards, unless and until they are changed:

(a) For individuals listed in paragraphs (a), (b) and (c) of subdivision (1) of this subsection, the department shall apply the July 16, 1996, Aid to Families with Dependent Children (AFDC) income standard as converted to the MAGI equivalent net income standard;

(b) For individuals listed in paragraphs (f) and (g) of subdivision (1) of this subsection, the department shall apply one hundred thirty-three percent of the federal poverty level converted to the MAGI equivalent net income standard;

(c) For individuals listed in paragraph (h) of subdivision (1) of this subsection, the department shall convert the income eligibility standard set forth in section 208.633 to the MAGI equivalent net income standard;

(d) For individuals listed in paragraphs (d), (e) and (i) of subdivision (1) of this subsection, the department shall apply one hundred eighty-five percent of the federal poverty level converted to the MAGI equivalent net income standard;

(3) Individuals eligible for MO HealthNet under subdivision (1) of this subsection shall receive all applicable benefits under section 208.152.

3. The department or appropriate divisions of the department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as the term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the

department determines are necessary to implement the provisions of this section.

660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

- (1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;
- (2) The person's name will be included in the employee disqualification list of the department;
- (3) The consequences of being so listed including the length of time to be listed; and
- (4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under chapter 197;

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may

disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], **if the employer terminated the employee because the employee:**

(1) **Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;**

(2) **Was placed on the employee disqualification list under this section after the date of hire;**

(3) **Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;**

(4) **Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or**

(5) **Was denied a good cause waiver as provided for in subsection 10 of section 660.317.**

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 127, Page 9, Section 208.152, Line 302, by inserting after all of said section and line the following:

“208.164. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) “Abuse”, a documented pattern of inducing, furnishing, or otherwise causing a recipient to receive services or merchandise not otherwise required or requested by the recipient, attending physician or appropriate utilization review team; a documented pattern of performing and billing tests, examinations, patient visits, surgeries, drugs or merchandise that exceed limits or frequencies determined by the department for like practitioners for which there is no demonstrable need, or for which the provider has created the need through ineffective services or merchandise previously rendered. The decision to impose any of the sanctions authorized in this section shall be made by the director of the department, following a determination of demonstrable need or accepted medical practice made in consultation with medical or other health care professionals, or qualified peer review teams;

(2) “Department”, the department of social services;

(3) “Excessive use”, the act, by a person eligible for services under a contract or provider agreement between the department of social services or its divisions and a provider, of seeking and/or obtaining medical assistance benefits from a number of like providers and in quantities which exceed the levels that are considered medically necessary by current medical practices and standards for the eligible person’s needs;

(4) “Fraud”, a known false representation, including the concealment of a material fact that provider knew or should have known through the usual conduct of his profession or occupation, upon which the provider claims reimbursement under the terms and conditions of a contract or provider agreement and the policies pertaining to such contract or provider agreement of the department or its divisions in carrying out the providing of services, or under any approved state plan authorized by the federal Social Security Act;

(5) “Health plan”, a group of services provided to recipients of medical assistance benefits by providers under a contract with the department;

(6) “Medical assistance benefits”, those benefits authorized to be provided by sections 208.152 and 208.162;

(7) “Prior authorization”, approval to a provider to perform a service or services for an eligible person required by the department or its divisions in advance of the actual service being provided or approved for a recipient to receive a service or services from a provider, required by the department or its designated division in advance of the actual service or services being received;

(8) “Provider”, any person, partnership, corporation, not-for-profit corporation, professional corporation, or other business entity that enters into a contract or provider agreement with the department or its divisions for the purpose of providing services to eligible persons, and obtaining from the department or its divisions reimbursement therefor;

(9) “Recipient”, a person who is eligible to receive medical assistance benefits allocated through the department;

(10) “Service”, the specific function, act, successive acts, benefits, continuing benefits, requested by an

eligible person or provided by the provider under contract with the department or its divisions.

2. The department or its divisions shall have the authority to suspend, revoke, or cancel any contract or provider agreement or refuse to enter into a new contract or provider agreement with any provider where it is determined the provider has committed or allowed its agents, servants, or employees to commit acts defined as abuse or fraud in this section.

3. The department or its divisions shall have the authority to impose prior authorization as defined in this section:

(1) When it has reasonable cause to believe a provider or recipient has knowingly followed a course of conduct which is defined as abuse or fraud or excessive use by this section; or

(2) When it determines by rule that prior authorization is reasonable for a specified service or procedure.

4. If a provider or recipient reports to the department or its divisions the name or names of providers or recipients who, based upon their personal knowledge has reasonable cause to believe an act or acts are being committed which are defined as abuse, fraud or excessive use by this section, such report shall be confidential and the reporter's name shall not be divulged to anyone by the department or any of its divisions, except at a judicial proceeding upon a proper protective order being entered by the court.

5. Payments for services under any contract or provider agreement between the department or its divisions and a provider may be withheld by the department or its divisions from the provider for acts or omissions defined as abuse or fraud by this section, until such time as an agreement between the parties is reached or the dispute is adjudicated under the laws of this state.

6. The department or its designated division shall have the authority to review all cases and claim records for any recipient of public assistance benefits and to determine from these records if the recipient has, as defined in this section, committed excessive use of such services by seeking or obtaining services from a number of like providers of services and in quantities which exceed the levels considered necessary by current medical or health care professional practice standards and policies of the program.

7. The department or its designated division shall have the authority with respect to recipients of medical assistance benefits who have committed excessive use to limit or restrict the use of the recipient's Medicaid identification card to designated providers and for designated services; the actual method by which such restrictions are imposed shall be at the discretion of the department of social services or its designated division.

8. The department or its designated division shall have the authority with respect to any recipient of medical assistance benefits whose use has been restricted under subsection 7 of this section and who obtains or seeks to obtain medical assistance benefits from a provider other than one of the providers for designated services to terminate medical assistance benefits as defined by this chapter, where allowed by the provisions of the federal Social Security Act.

9. The department or its designated division shall have the authority with respect to any provider who knowingly allows a recipient to violate subsection 7 of this section or who fails to report a known violation of subsection 7 of this section to the department of social services or its designated division to terminate or otherwise sanction such provider's status as a participant in the medical assistance program. Any person making such a report shall not be civilly liable when the report is made in good faith.

10. Nothing in this section shall prohibit providers from using clinical decision support tools as

an alternative to prior authorization to determine the clinical appropriateness of services or procedures.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 161**, entitled:

An Act to repeal sections 334.108, 354.410, 354.415, 354.430, 354.603, 376.405, 376.426, 376.777, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, and 376.1363, RSMo, and to enact in lieu thereof twenty-two new sections relating to health insurance, with penalty provisions and an effective date.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 161, Page 1, Line 4, by inserting after all of said line the following:

“Further amend House Committee Substitute for Senate Bill No. 161, Page 1, Section A, Line 6, by inserting after all of said line the following:

“208.146. 1. The program established under this section shall be known as the “Ticket to Work Health Assurance Program”. Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, “gross income” includes all income of the person and the person’s spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-

employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an “independent living account” means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse's earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the

federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire [six years after] August 28, [2007] **2019**.

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain

eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or

local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) **Effective August 28, 2013**, persons who are [independent foster care adolescents, as defined in 42 U.S.C. Section 1396d, or who are within reasonable categories of such adolescents who are under twenty-one years of age as specified by the state, are eligible for coverage under 42 U.S.C. Section 1396a (a)(10)(A)(ii)(XVII) without regard to income or assets] **in foster care under the responsibility of the state of Missouri on the date such persons attain the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:**

(a) Are under twenty-six years of age;

(b) Are not eligible for coverage under another mandatory coverage group; and

(c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with [section 431.064 and] chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes

of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

208.895. 1. Upon **the** receipt of a properly completed referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] or **a** physician's order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] **Process, review and approve or deny** the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange] **For approved referrals, arrange** for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] **(3)** Notify the referring entity **or individual** within five business days of receiving the referral if [additional information] **a different physical address** is required to [process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days] **schedule the assessment. The referring entity has five days to provide a current physical address if requested by the department. If a different physical address is needed, the fifteen-day limit included in subdivision (1) of this subsection is suspended until the information is received by the department;**

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. **If** the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.

The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract] **has not complied with subdivision (1) of subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin to the provider based on the assessment and care plan recommendation submitted by the provider.**

3. [The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.

4. The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective. If the department assessment determines the client does not meet level of care, the state shall not be responsible for the cost of services claimed prior to the department's written notification to the provider of such denial.**

4. The department shall implement subsections 2 and 3 of this section unless the Centers for Medicare and Medicaid Services disapproves any necessary state plan amendments or waivers to implement the provisions in subsections 2 and 3 of this section allowing providers to perform assessments.

5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) “Assessment” means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

- (a) Is conducted by an assessor trained to perform home- and community-based care assessments;**
- (b) Uses forms provided by the department;**

(c) Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and

(d) Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process.

(2) A “properly completed referral” shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:

- (a) The stated need for MO HealthNet home- and community-based services;**
- (b) The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and**
- (c) The current physical address and phone number of the client or person needing services.**

Addition information which may assist the department including contact information of a responsible party shall also be submitted.

7. The department shall:

- (1) Develop an automated electronic assessment care plan tool to be used by providers; and**
- (2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.**

8. No later than December 31, 2014, the department of health and senior services shall submit a report to the general assembly that reviews the following:

- (1) How well the department is doing on meeting the fifteen-day requirement;**
- (2) The process the department used to approve the assessors;**
- (3) Financial data on the cost of the program prior to and after enactment of this section;**
- (4) Any audit information available on assessments performed outside the department; and**
- (5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.**

208.990. 1. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage individuals shall meet the eligibility criteria set forth in 42 CFR 435, including but not limited to the requirements that:

- (1) The individual is a resident of the state of Missouri;**

(2) The individual has a valid Social Security number;

(3) The individual is a citizen of the United States or a qualified alien as described in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. Section 1641, who has provided satisfactory documentary evidence of qualified alien status which has been verified with the Department of Homeland Security under a declaration required by Section 1137(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that the applicant or beneficiary is an alien in a satisfactory immigration status; and

(4) An individual claiming eligibility as a pregnant woman shall verify pregnancy.

2. Notwithstanding any other provisions of law to the contrary, effective January 1, 2014, the family support division shall conduct an annual redetermination of all MO HealthNet participants' eligibility as provided in 42 CFR 435.916. The department may contract with an administrative service organization to conduct the annual redeterminations if it is cost effective.

3. The department, or family support division, shall conduct electronic searches to redetermine eligibility on the basis of income, residency, citizenship, identity and other criteria as described in 42 CFR 435.916 upon availability of federal, state, and commercially available electronic data sources. The department, or family support division, may enter into a contract with a vendor to perform the electronic search of eligibility information not disclosed during the application process and obtain an applicable case management system. The department shall retain final authority over eligibility determinations made during the redetermination process.

4. Notwithstanding any other provisions of law to the contrary, applications for MO HealthNet benefits shall be submitted in accordance with the requirements of 42 CFR 435.907 and other applicable federal law. The individual shall provide all required information and documentation necessary to make an eligibility determination, resolve discrepancies found during the redetermination process, or for a purpose directly connected to the administration of the medical assistance program.

5. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage under section 208.995, individuals shall meet the eligibility requirements set forth in subsection 1 of this section and all other eligibility criteria set forth in 42 CFR 435 and 457, including, but not limited to, the requirements that:

(1) The department of social services shall determine the individual's financial eligibility based on projected annual household income and family size for the remainder of the current calendar year;

(2) The department of social services shall determine household income for the purpose of determining the modified adjusted gross income by including all available cash support provided by the person claiming such individual as a dependent for tax purposes;

(3) The department of social services shall determine a pregnant woman's household size by counting the pregnant woman plus the number of children she is expected to deliver;

(4) CHIP-eligible children shall be uninsured, shall not have access to affordable insurance, and their parent shall pay the required premium;

(5) An individual claiming eligibility as an uninsured woman shall be uninsured.

208.995. 1. For purposes of this section and section 208.990, the following terms mean:

(1) “Child” or “children”, a person or persons who are under nineteen years of age;

(2) “CHIP-eligible children”, children who meet the eligibility standards for Missouri's children's health insurance program as provided in sections 208.631 to 208.658, including paying the premiums required under sections 208.631 to 208.658;

(3) “Department”, the Missouri department of social services, or a division or unit within the department as designated by the department's director;

(4) “MAGI”, the individual's modified adjusted gross income as defined in Section 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:

(a) Any foreign earned income or housing costs;

(b) Tax-exempt interest received or accrued by the individual; and

(c) Tax-exempt Social Security income;

(5) “MAGI equivalent net income standard”, an income eligibility threshold based on modified adjusted gross income that is not less than the income eligibility levels that were in effect prior to the enactment of Public Law 111-148 and Public Law 111-152.

2. (1) Effective January 1, 2014, notwithstanding any other provision of law to the contrary, the following individuals shall be eligible for MO HealthNet coverage as provided in this section:

(a) Individuals covered by MO HealthNet for families as provided in section 208.145;

(b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C. Section 1396r-6;

(c) Individuals covered by extended MO HealthNet for families on child support closings as provided in 42 U.S.C. Section 1396r-6;

(d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection 1 of section 208.151;

(e) Children under one year of age as provided in subdivision (12) of subsection 1 of section 208.151;

(f) Children under six years of age as provided in subdivision (13) of subsection 1 of section 208.151;

(g) Children under nineteen years of age as provided in subdivision (14) of subsection 1 of section 208.151;

(h) CHIP-eligible children; and

(i) Uninsured women as provided in section 208.659.

(2) Effective January 1, 2014, the department shall determine eligibility for individuals eligible for MO HealthNet under subdivision (1) of this subsection based on the following income eligibility standards, unless and until they are changed:

(a) For individuals listed in paragraphs (a), (b) and (c) of subdivision (1) of this subsection, the department shall apply the July 16, 1996, Aid to Families with Dependent Children (AFDC) income standard as converted to the MAGI equivalent net income standard;

(b) For individuals listed in paragraphs (f) and (g) of subdivision (1) of this subsection, the department shall apply one hundred thirty-three percent of the federal poverty level converted to the MAGI equivalent net income standard;

(c) For individuals listed in paragraph (h) of subdivision (1) of this subsection, the department shall convert the income eligibility standard set forth in section 208.633 to the MAGI equivalent net income standard;

(d) For individuals listed in paragraphs (d), (e) and (i) of subdivision (1) of this subsection, the department shall apply one hundred eighty-five percent of the federal poverty level converted to the MAGI equivalent net income standard;

(3) Individuals eligible for MO HealthNet under subdivision (1) of this subsection shall receive all applicable benefits under section 208.152.

3. The department or appropriate divisions of the department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as the term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.”; and”; and

Further amend said bill, Page 5, Line 9, by inserting after all of said line the following:

“Further amend said Bill, Page 39, Section 376.1900, Line 56, by inserting after all of said line the following:

“660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt

by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall

terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under chapter 197;

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained**

through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], if the employer terminated the employee because the employee:

(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;

(2) Was placed on the employee disqualification list under this section after the date of hire;

(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;

(4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 161, Page 38, Section 376.1900, Line 3, by deleting the word "**website**" and inserting in lieu thereof the phrase "**web-based or similar electronic-based communications network**"; and

Further amend said bill and section, Page 39, Line 56, by inserting after all of said section and line the following:

"376.2000. 1. Sections 376.2000 to 376.2014 shall be known and may be cited as the "Health Insurance Marketplace Innovation Act of 2013".

2. As used in sections 376.2000 to 376.2014, the following terms mean:

(1) "**Department**", the department of insurance, financial institutions and professional registration;

(2) "**Director**", the director of the department of insurance, financial institutions and professional registration;

(3) "**Exchange**", any health benefit exchange established or operating in this state, including any

exchange established or operated by the United States Department of Health and Human Services.

(4) “Navigator”, a person that, for compensation, provides information or services in connection with eligibility, enrollment, or program specifications of any health benefit exchange operating in this state, including any person that is selected to perform the activities and duties identified in 42 U.S.C. 18031(i) in this state, any person who receives funds from the United States Department of Health and Human Services to perform any of the activities and duties identified in 42 U.S.C. 18031(i), or any other person certified by the United States Department of Health and Human Services, or a health benefit exchange operating in this state, to perform such defined or related duties irrespective of whether such person is identified as a navigator, certified application counselor, in-person assister, or other title.

376.2002. 1. No individual or entity shall perform, offer to perform, or advertise any service as a navigator in this state, or receive navigator funding from the state or an exchange unless licensed as a navigator by the department under sections 376.2000 to 376.2014.

2. A navigator may:

(1) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in this state, including information about the costs of coverage, advance payments of premium tax credits, and cost sharing reductions;

(2) Facilitate the selection of a qualified health plan;

(3) Initiate the enrollment process;

(4) Provide referrals to any applicable office of health insurance consumer assistance, ombudsman, or other agency for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or determination under the plan; and

(5) Use culturally and linguistically appropriate language to communicate the information authorized in this subsection.

3. Unless also properly licensed as an insurance producer in this state with authority for health under section 375.014, a navigator shall not:

(1) Sell, solicit, or negotiate health insurance;

(2) Engage in any activity that would require an insurance producer license;

(3) Provide advice concerning the benefits, terms, and features of a particular health plan or offer advice about which exchange health plan is better or worse for a particular individual or employer;

(4) Recommend or endorse a particular health plan or advise consumers about which health plan to choose; or

(5) Provide any information or services related to health benefit plans or other products not offered in the exchange.

4. The following entities or persons are exempt from the requirement to be licensed as a navigator:

(1) An entity or person licensed as an insurance producer in this state with authority for health under section 375.014;

(2) A law firm or licensed attorney in this state; and

(3) A “health care provider” as defined in section 376.1350 provided that:

(a) The health care provider does not receive any funds from the United States Department of Health and Human Services or a health exchange operating in this state to act as a navigator; and

(b) The activities or functions performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs.

However, nothing in this section shall prohibit a health care provider from voluntarily becoming licensed as a navigator.

376.2004. 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual’s knowledge and belief. Before approving the application, the director shall find that the individual:

(1) Is eighteen years of age or older;

(2) Resides in this state or maintains his or her principal place of business in the state;

(3) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;

(4) Has successfully passed the written examination prescribed by the director;

(5) When applicable, has the written consent of the director under 18 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;

(6) Has identified the entity with which he or she is affiliated and supervised; and

(7) Has paid the fees prescribed by the director.

2. An entity that acts as a navigator, supervises the activities of individual navigators, or receives funding to perform such activities shall obtain a navigator entity license. An entity applying for an entity navigator license shall make application on a form containing the information prescribed by the director.

3. The director may require any documents deemed necessary to verify the information contained in an application submitted in accordance with subsections 1 and 2 of this section.

4. Entities licensed as navigators shall, in a manner prescribed by the director, provide a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity and shall report any changes in employment or affiliation within twenty days of such change.

5. The director shall require that each navigator obtain a surety bond in an amount acceptable to the director or otherwise demonstrate a level of financial responsibility capable of protecting all persons against the wrongful acts, misrepresentations, errors, omissions, or negligence of the navigator. The director may ask for a copy of the bond or other evidence of financial responsibility at any time.

6. Prior to any exchange becoming operational in this state, the director shall prescribe initial training, continuing education, and written examination standards and requirements for navigators.

376.2006. 1. A navigator license shall be valid for two years.

2. A navigator may file an application for renewal of a license and pay the renewal fee as prescribed by the director. Any navigator who fails to timely file for license renewal shall be charged a late fee in an amount prescribed by the director.

3. Prior to the filing date for an application for renewal of a license, an individual licensee shall comply with any ongoing training and continuing education requirements established by the director. Such navigator shall file with the director, by a method prescribed by the director, proof of satisfactory certification of completion of the continuing education requirements. Any failure to fulfill the ongoing training and continuing education requirements shall result in the expiration of the license.

376.2008. Upon contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, a navigator shall advise the person to consult with a licensed insurance producer regarding coverage in the private market.

376.2010. 1. The director may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license or may levy a fine not to exceed one thousand dollars for each violation, or any combination of actions, for any one or more of the causes listed in section 375.141, 375.936 or for other good cause. In the event that the action by the director is not to renew or to deny an application for a license, the director shall notify the applicant or licensee in writing and shall advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the nonrenewal or denial of the application for a navigator license shall be made under the provisions of chapter 621.

2. In addition to imposing the penalties authorized by subsection 1 of this section, the director may require that restitution be made to any person who has suffered financial injury because of a violation of this section.

3. The director shall have the power to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of this section.

4. The navigator license held by an entity may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied, with or without a suspension, revocation, or refusal to renew a license, if the director finds that an individual licensee's violation was known or should have been known by the employing or supervising entity and the violation was not reported to the director and no corrective action was undertaken on a timely basis.

376.2011. 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046.

2. If the director believes that a person has engaged, is engaging, or has taken a substantial step

toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048.

3. A violation of sections 376.2000 to 376.2014 is a level two violation under section 374.049.

376.2012. 1. Each licensed navigator shall report to the director within thirty calendar days of the final disposition of the matter of any administrative action taken against him or her in another jurisdiction or by another governmental agency in this state. This report shall include a copy of the order, consent to order, or other relevant legal documents.

2. Within thirty days of the initial pretrial hearing date, a navigator shall report to the director any criminal prosecution of the navigator in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

3. An entity that acts as a navigator that terminates the employment, engagement, affiliation, or other relationship with an individual navigator shall notify the director within twenty days following the effective date of the termination, using a format prescribed by the director if the reason for termination is one of the reasons set forth in section 375.141 or 375.936 or if the entity has knowledge that the navigator was found by a court or governmental body to have engaged in any such activities. Upon the written request of the director, the entity shall provide additional information, documents, records, or other data pertaining to the termination or activity of the individual.

376.2014. 1. The requirements of sections 379.930 to 379.952 and chapters 375, 376, 407 and any related rules shall apply to navigators. The activities and duties of a navigator shall be deemed to constitute transacting the business of insurance.

2. If any provision of sections 376.2000 to 376.2014 or its application to any person or circumstance is held invalid by a court of competent jurisdiction or by federal law, the invalidity does not affect other provisions or applications of sections 376.2000 to 376.2014 that can be given effect without the invalid provision or application. The provisions of sections 376.2000 to 376.2014 are severable, and the valid provisions or applications shall remain in full force and effect.

3. The director may promulgate rules and regulations to implement and administer the provisions of sections 376.2000 to 376.2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 376.2000 to 376.2014 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 376.2000 to 376.2014 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law, regardless as to how a health insurance product may be sold or

marketed in this state or to residents of this state.”; and

Further amend said bill and page, Section B, Line 1, by inserting after all of said section the following:

“Section C. Because of the need to ensure that navigators are adequately trained to provide essential health insurance information to the public, Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, and 376.2014 of Section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, and 376.2014 of Section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 103, introduced by Representative Kelley (127), et al, with **SCS**, entitled:

An Act to repeal sections 304.013, 304.032, and 304.034, RSMo, and to enact in lieu thereof three new sections relating to all-terrain and utility vehicle use in municipalities, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Munzlinger.

SCS for **HB 103**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 103

An Act to repeal sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, and 544.157, RSMo, and to enact in lieu thereof twenty-seven new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Munzlinger moved that **SCS** for **HB 103** be adopted.

Senator Lager assumed the Chair.

Senator Dempsey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 103, Page 7, Section 302.341, Lines 72-89, by striking all of said lines; and

Further amend said bill and section, page 8, lines 90-91, by striking all of said lines and inserting in lieu thereof the following:

“3. As used in subsection 2 of this section, traffic violations shall include all ordinance violations regardless of whether the ordinance violation is prosecuted as a civil infraction or not.”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Kraus offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 103, Page 39, Section 307.400, Line 97, by inserting after all of said line the following:

“407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; [or]

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; **or**

(4) Catalytic converter;

whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver’s license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained, and the date, time, and place of and a full description of each such purchase or trade including the quantity by weight thereof.

2. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

3. Anyone convicted of violating this section shall be guilty of a class A misdemeanor.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars, **unless the scrap metal is a catalytic converter;**

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.”; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 103, Page 39, Section 307.400, Line 97, by inserting immediately after said line the following:

“390.064. 1. As used in this section, the following terms shall mean:

(1) “Contract carrier”, a passenger contract carrier that for compensation transports railroad employees;

(2) “Railroad employee”, shall have the same meaning ascribed to the term “employee” as used in 49 C.F.R. Part 228.5, as such regulation may be periodically amended.

2. Notwithstanding any other provision to the contrary, contract carriers that transport railroad employees on a road or highway of this state shall be subject to the safety standards set forth in Title 49, Code of Federal Regulations, Part 391, except 391.11(b)(4) and Subpart E, Parts 392, 393, 395, and 396, except section 396.17.

3. The department of transportation shall promulgate rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted, which motion failed.

Senator Kraus offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 103, Page 6, Section 302.341, Line 33, by striking the opening “[” and closing “]” brackets as they appear on said line, and further amend said line by striking the word “twenty”; and further amend line 36 by striking the opening “[” and closing “]” brackets as they appear on said line, and further amend line 37 by striking the word “twenty”.

Senator Kraus moved that the above amendment be adopted.

Senator Dempsey offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 103, Page 6, Section 302.341, Line 33, by striking “twenty” and inserting in lieu thereof the following: **“thirty”**; and further amend line 37 by striking the word “twenty” and inserting in lieu thereof the following: **“thirty”**.

Senator Dempsey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Wasson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 103, Page 5, Section 301.449, Line 51, by inserting immediately after said line the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
(except any violation of municipal stop sign ordinance where no accident is involved 1 point)
- (2) Speeding
In violation of a state law 3 points
In violation of a county or municipal ordinance 2 points
- (3) Leaving the scene of an accident
in violation of section 577.060 12 points
In violation of any county or municipal ordinance 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016 4 points
In violation of a county or municipal ordinance 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
(a) For the first conviction 2 points
(b) For the second conviction 4 points

- (c) For the third conviction..... 6 points
- (6) Operating with a suspended or
revoked license prior to restoration of
operating privileges 12 points
- (7) Obtaining a license by
misrepresentation 12 points
- (8) For the first conviction of
driving while in an intoxicated condition
or under the influence of controlled
substances or drugs 8 points
- (9) For the second or subsequent
conviction of any of the following offenses
however combined: driving while in an
intoxicated condition, driving under the
influence of controlled substances or drugs
or driving with a blood alcohol content of
eight-hundredths of one percent or more by
weight 12 points
- (10) For the first conviction for
driving with blood alcohol content
eight-hundredths of one percent or more by weight
In violation of state law 8 points
In violation of a county or municipal
ordinance or federal law or regulation 8 points
- (11) Any felony involving the use
of a motor vehicle 12 points
- (12) Knowingly permitting unlicensed
operator to operate a motor vehicle 4 points
- (13) For a conviction for failure to
maintain financial responsibility pursuant
to county or municipal ordinance or
pursuant to section 303.025 4 points

(14) Endangerment of a highway worker
in violation of section 304.585 4 points

(15) Aggravated endangerment of a
highway worker in violation of section 304.585 12 points

(16) For a conviction of violating a
municipal ordinance that prohibits tow
truck operators from stopping at or
proceeding to the scene of an accident
unless they have been requested to stop
or proceed to such scene by a party involved
in such accident or by an officer of a
public safety agency 4 points

**(17) Endangerment of an emergency
responder in violation of section 304.894 4 points**

**(18) Aggravated endangerment of
an emergency responder in violation of
section 304.894 12 points**

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's

license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill, page 37, section 304.820, line 71, by inserting immediately after all of said line the following:

"304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency

responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders

were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted, which motion prevailed.

Senator Kraus assumed the Chair.

Senator Pearce offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 103, Page 2, Section A, Line 15, by inserting immediately thereafter the following:

“37.005. 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the chief of the planning and construction division.

3. The office of administration is designated the “Missouri State Agency for Surplus Property” as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of 1974.

4. The commissioner of administration shall replace the director of revenue as a member of the board of fund commissioners and assume all duties and responsibilities assigned to the director of revenue by sections 33.300 to 33.540 relating to duties as a member of the board and matters relating to bonds and bond coupons.

5. All the powers, duties and functions of the administrative services section, section 33.580 and others, are transferred by a type I transfer to the office of administration and the administrative services section is abolished.

6. The commissioner of administration shall, in addition to his or her other duties, cause to be prepared a comprehensive plan of the state's field operations, buildings owned or rented and the communications systems of state agencies. Such a plan shall place priority on improved availability of services throughout

the state, consolidation of space occupancy and economy in operations.

7. The commissioner of administration shall from time to time examine the space needs of the agencies of state government and space available and shall, with the approval of the board of public buildings, assign and reassign space in property owned, leased or otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a determination by the commissioner that all or part of any property is in excess of the needs of any state agency, the commissioner may lease such property to a private or government entity. Any revenue received from the lease of such property shall be deposited into the fund or funds from which moneys for rent, operations or purchase have been appropriated. The commissioner shall establish by rule the procedures for leasing excess property.

8. The commissioner of administration is hereby authorized to coordinate and control the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP) in the executive branch of state government. For this purpose, the office of administration will have authority to:

(1) Develop and implement a long-range computer facilities plan for the use of EDP and ADP in Missouri state government. Such plan may cover, but is not limited to, operational standards, standards for the establishment, function and management of service centers, coordination of the data processing education, and planning standards for application development and implementation;

(2) Approve all additions and deletions of EDP and ADP hardware, software, and support services, and service centers;

(3) Establish standards for the development of annual data processing application plans for each of the service centers. These standards shall include review of post-implementation audits. These annual plans shall be on file in the office of administration and shall be the basis for equipment approval requests;

(4) Review of all state EDP and ADP applications to assure conformance with the state information systems plan, and the information systems plans of state agencies and service centers;

(5) Establish procurement procedures for EDP and ADP hardware, software, and support service;

(6) Establish a charging system to be used by all service centers when performing work for any agency;

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers. The commissioner shall maintain a complete inventory of all state-owned or -leased EDP and ADP equipment, and annually submit a report to the general assembly which shall include starting and ending EDP and ADP costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

9. Except as provided in subsection 12 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act

of the general assembly shall not, however, apply to the granting or conveyance of an easement to any rural electric cooperative as defined in chapter 394, municipal corporation, quasi-governmental corporation owning or operating a public utility, or a public utility, except railroads, as defined in chapter 386. The governor, with the approval of the board of public buildings, may, upon the request of any state department, agency, board or commission not otherwise being empowered to make its own transfer or conveyance of any land belonging to the state of Missouri which is under the control and custody of such department, agency, board or commission, grant or convey without further legislative action, for such consideration as may be agreed upon, easements across, over, upon or under any such state land to any rural electric cooperative, as governed in chapter 394, municipal corporation, or quasi-governmental corporation owning or operating a public utility, or a public utility, except railroad, as defined in chapter 386. The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of ingress or egress for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other similar public utility installation or any equipment or appurtenances necessary to the operation thereof, except that railroad as defined in chapter 386 shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

10. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

11. All the powers, duties and functions of the department of community affairs relating to statewide planning are transferred by type I transfer to the office of administration.

12. The titles which are vested in the governor by or pursuant to this section to real property assigned to any of the educational institutions referred to in section 174.020 on June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or transfer is first authorized by an act of the general assembly, except as provided in section 174.042, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

13. Notwithstanding any provision of subsection 12 of this section to the contrary, the board of governors of Missouri Western State University, University of Central Missouri, Missouri State University,

or Missouri Southern State University, or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University, or the board of curators of Lincoln University may convey or otherwise transfer for fair market value, except in fee simple, the title to or other interest in such real property without authorization by an act of the general assembly. [The provisions of this subsection shall expire August 28, 2017.]

14. All county sports complex authorities, and any sports complex authority located in a city not within a county, in existence on August 13, 1986, and organized under the provisions of sections 64.920 to 64.950, are assigned to the office of administration, but such authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

15. All powers, duties, and functions vested in the administrative hearing commission, sections 621.015 to 621.205 and others, are transferred to the office of administration by a type III transfer.” ; and

Further amend said bill, page 57, Section B, line 3, by inserting after the word “recalls” the following: “, and the importance of allowing higher education institutions to provide responses to potential property lessors in a timely manner”, and further amend line 4 by inserting after the word “section” the following: “37.005 and”, and further amend line 7 by inserting after the word “section” the following: “37.005 and”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted.

Senator Munzlinger raised the point of order that **SA 6** is out of order as it goes beyond the scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Munzlinger moved that **SCS** for **HB 103**, as amended, be adopted, which motion prevailed.

Senator Munzlinger moved that **SCS** for **HB 103**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Dempsey referred **SCS** for **HB 103**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 23**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 23**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **SB 106**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 106**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 117**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 117**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 34**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 34**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 2** and **SA 3** to **HCS** for **HBs 256, 33** and **305** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

On motion of Senator Richard, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** to **SB 77** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SB 57** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SCS** for **SB 42** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SB 90** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1, HA 2, HA 3, HA 4, HA 5** and **HA 6** to **SCS** for **SB 33** and

grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** to **SB 327** and request the Senate grant the House a conference on **SB 327**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 41** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 129**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS** for **HB 199** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 2** to **HB 400** and has taken up and passed **HB 400**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 90**, as amended: Representatives Dugger, Hough, and Swearingen.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 42**, as amended: Representatives Jones (50), Houghton, and Colona.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 57**, as amended: Representatives: Engler, Keeney, and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HA 1** to **SB 77**: Representatives: Allen, Flanigan, and Colona.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 57**, as amended: Representatives: Engler, Keeney, and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HA 5** and **HA 6** to **SCS** for **SB 33**: Representatives: Grisamore, Neely, and Newman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS** for **SS** for **SB 262**, as amended, are allowed to exceed the differences.

Senator Schmitt assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 33**, as amended: Senators Lamping, Sater, Schaaf, Chappelle-Nadal and LeVota.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 41**, as amended: Senators Munzlinger, Schaefer, Lager, Sifton and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 42**, as amended: Senators Munzlinger, Parson, Kraus, Chappelle-Nadal and LeVota.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 57**, as amended: Senators Romine, Richard, Libla, McKenna and Sifton.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SB 77**, as amended: Senators Lamping, Brown, Emery, Justus and Sifton.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 90**, as amended: Senators McKenna, Wasson, Kraus, Silvey and LeVota.

PRIVILEGED MOTIONS

Senator Wasson moved that the Senate request the House to grant further conference on **HCS** for **SB 330**, as amended, which motion prevailed.

Senator Munzlinger, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 43**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 43

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 43, with

House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 43, as amended;
2. That the Senate recede from its position on Senate Bill No. 43;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger

/s/ Kurt Schaefer

/s/ Mike Kehoe

/s/ Jason Holsman

/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Glen Kolkmeyer

/s/ Dave Schatz

/s/ Ed Schieffer

Senator Munzlinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Cunningham	Emery	Schmitt—3
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Munzlinger, **CCS** for **HCS** for **SB 43**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 43**

An Act to repeal sections 302.302, 302.700, 302.720, 302.735, 302.740, 302.755, 304.180, 304.820, 476.385, 577.041, RSMo, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee

substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof nineteen new sections relating to transportation, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Cunningham	Emery	Nieves	Schmitt—4
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Cunningham	Emery	Nieves	Schmitt—4
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Kehoe moved that the Senate refuse to recede from its position on **SA 2** and **SA 3** to **HCS** for **HBs 256, 33** and **305** and grant the House a conference thereon, which motion prevailed.

Senator Munzlinger moved that the Senate conferees be allowed to exceed the differences on **HA 5** to **HCS** for **SCS** for **SB 17**, as amended, which motion prevailed.

Senator Lamping moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 199**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Pearce moved that the Senate refuse to concur in **HCS** for **SB 161**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dixon moved that the Senate grant the House a conference on **SB 327**, as amended, which motion prevailed.

Senator Romine moved that **SB 58**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Romine moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Nieves—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

HA 2 was taken up.

Senator Schaaf raised the point of order that **HA 2** is out of order as it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Romine moved that the above amendment be adopted, which motion prevailed by the following

vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Brown	Emery	Schaaf—3
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Romine, **SB 58**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Kraus	Nieves—2
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 409, introduced by Representatives Love and Remole, entitled:

An Act to repeal sections 290.210 and 290.262, RSMo, and to enact in lieu thereof two new sections

relating to prevailing wages.

Was called from the Informal Calendar and taken up by Senator Parson.

Senator Kehoe assumed the Chair.

Senator Parson offered **SS** for **HB 409**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 409

An Act to repeal section 290.210, RSMo, and to enact in lieu thereof one new section relating to prevailing wage.

Senator Parson moved that **SS** for **HB 409** be adopted.

At the request of Senator Parson, **HB 409**, with **SS** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SB 327**, as amended: Senators Dixon, Romine, Wasson, Justus and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 199**, as amended: Senators Lamping, Richard, Kehoe, Holsman and Sifton.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **HBs 256, 33 and 305**, as amended: Senators Kehoe, Munzlinger, Wasson, Justus and Keaveny.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 10, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 16 entitled:

AN ACT

To amend chapter 262, RSMo, by adding thereto one new section relating to children performing agriculture work.
On May 10, 2013, I approved said Senate Bill No. 16.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 10, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 329 entitled:

AN ACT

To repeal section 196.311, RSMo, and to enact in lieu thereof one new section relating to eggs.
On May 10, 2013, I approved said Senate Bill No. 329.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 988, regarding Nicholas Wray Diekroeger, Chesterfield, which was adopted.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SEVENTH DAY—TUESDAY, MAY 14, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS#2 for HJR 14

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 473 (Lager)
(In Fiscal Oversight)

HCS for HB 215, with SCS (Dixon)
(In Fiscal Oversight)

HCS for HJR 5 & 12, with SCS (Kraus)
(In Fiscal Oversight)
HCS for HB 48 & 216 (Kraus)
(In Fiscal Oversight)
HJR 16-McCaherty, et al, with SCS
(Schaaf) (In Fiscal Oversight)

HCS for HB 320 (Lager) (In Fiscal
Oversight)
HCS for HB 114 (Brown) (In Fiscal
Oversight)
HCS for HB 349 (Kehoe) (In Fiscal
Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon
SB 30-Brown, with SCS
SB 48-Lamping
SB 53-Lamping
SB 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS
SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending)
SB 82-Schaefer, with SCS
SB 109-Brown, with SCS
SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)
SB 141-Dempsey
SB 167-Sater and Wallingford, with SCS
SB 174-Parson, with SCS
SB 175-Wallingford
SB 207-Kehoe, et al, with SCS
SB 231-Munzlinger, with SA 1 (pending)
SB 239-Emery, with SCS & SA 2 (pending)
SB 250-Schaaf, with SCS
SB 259-Schaaf, with SCS

SB 272-Nieves, with SA 2 (pending)
SB 285-Romine
SB 291-Rupp
SB 292-Rupp
SB 308-Schaaf
SB 315-Pearce
SB 325-Nieves
SB 339-Romine
SB 343-Parson
SB 364-Parson
SB 371-Munzlinger, with SCS
SB 377-Dixon
SB 383-Wallingford
SB 396-Holsman and Chappelle-Nadal,
with SCS
SB 403-Rupp, with SCS
SB 410-Kehoe
SB 419-Lager, with SCS
SB 423-Nasheed
SB 441-Dempsey
SB 448-Schmitt and Keaveny
SB 455-Nieves, with SCS
SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
HB 55-Flanigan and Allen, with SCS
(Schaefer)
HB 85-Kelley (127), et al (Dixon)

SCS for HB 103-Kelley (127), et al
(Munzlinger) (In Fiscal Oversight)
HCS for HB 110, with SCS (Kraus)
HB 112-Burlison, with SA 2 (pending) (Brown)

HB 116-Dugger, with SCS, SS for SCS & SA 2 (pending) (Dixon)
 HCS for HB 117, with SCS (Wasson)
 HCS for HB 128 (Kraus)
 HCS for HB 134, with SCS (Schmitt)
 HB 142-Dugger, with SCS (Walsh)
 HB 148-Davis, et al, with SCS (Brown)
 HCS for HB 168 (Kraus)
 HCS for HB 175, with SCS (Parson)
 HB 184-Cox, et al (Parson)
 HCS for HB 194 (Parson)
 HB 196-Lauer, et al, with SCS, SA 1 & point of order (pending) (Romine)
 HB 274-Brattin, et al, with SCS (Brown)
 HB 278-Brattin, et al (Emery)
 HCS for HB 345, with SCS (Lager)
 HB 346-Molendorp (Wasson)
 SS for SCS for HCS for HBs 374 & 434 (Dixon) (In Fiscal Oversight)

HCS for HBs 404 & 614, with SCS & SS for SCS (pending) (Kehoe)
 HB 409-Love and Remole, with SS (pending) (Parson)
 HCS for HB 418 (Silvey)
 HB 428-Schatz, with SCS (Wasson)
 HB 432-Funderburk, et al, with SCS & SA 1 (pending) (Lager)
 HCS for HB 440, with SCS (Munzlinger)
 HB 450-Carpenter, et al, with SCS (Silvey)
 HCS for HB 457, with SCS (Rupp)
 HB 510-Torpey and Wieland (Sifton)
 HB 533-Riddle, et al, with SCS (Munzlinger)
 HCS for HBs 593 & 695 (Schaaf)
 HCS for HB 611, with SCS (Kraus)
 HB 625-Burlison, with SCS (Wasson)
 HB 650-Ross, et al, with SCS (Munzlinger)
 HCS for HB 722, with SCS (Lamping)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus, with HCS, as amended
 SS for SCS for SB 114-Schmitt, with HA 1, as amended

SB 127-Sater, with HCS, as amended
 SB 205-Sater, with HCS
 SCS for SB 229-Brown, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS, as amended
 SCS for SB 9-Pearce, with HCS, as amended
 SCS for SB 17-Munzlinger and Romine, with HCS, as amended
 SCS for SB 33-Lamping, with HA 1, HA 2, HA 3, HA 4, HA 5 & HA 6
 SCS for SB 36-Wallingford and Sifton, with HA 1
 SB 41-Munzlinger, with HCS, as amended

SCS for SB 42-Munzlinger, with HCS, as amended
 SB 43-Munzlinger, with HCS, as amended (Senate adopted CCR and passed CCS)
 SB 57-Romine, with HCS, as amended
 SB 77-Lamping, with HA 1
 SB 90-McKenna, with HCS, as amended
 SCS for SB 157 & SB 102-Sater, with HCS, as amended
 SS for SB 262-Curls, with HCS, as amended

SB 327-Dixon, with HA 1
SB 330-Wasson, with HCS, as amended
(Senate requests further conference)
HCS for HB 199, with SS, as amended (Lamping)
HCS for HBs 256, 33 & 305, with SA 2 & SA 3
(Kehoe)
HB 307-Riddle, et al, with SS for SCS,
as amended (Schmitt)

HCS#2 for HB 698, with SCS, as amended
(Schmitt)
HCS for HB 1035, with SCS, as amended
(Schmitt)
HCS for HJR 11 & 7, with SS, as amended
(Parson) (Further conference
granted)

Requests to Recede or Grant Conference

SCS for SB 45-Dixon, with HCS, as
amended (Senate requests House
recede or grant conference)
SB 161-Pearce, with HCS, as amended
(Senate requests House recede or
grant conference)

SCS for SB 248-Wasson, with HA 1 & HA 2
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

HCR 16-Walton Gray, et al
(Chappelle-Nadal)

HCR 25-Allen (Sifton)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY—TUESDAY, MAY 14, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Nevertheless, amid the greatest difficulties of my Administration, when I could not see any other resort, I would place my whole reliance on God, knowing that all would go well, and that He would decide for the right.” (Abraham Lincoln, 10/24/1863)

Heavenly Father, we pray this day knowing that time is running out and as we deal with various difficulties we ask once again that You would help us rely on You and know that You have decided what is right for us and will guide and direct our hearts and minds in all we do and say. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 989, regarding Drew Mreen, Kansas City, which was adopted.

Senators LeVota and Pearce offered Senate Resolution No. 990, regarding Chris Creason, which was adopted.

CONCURRENT RESOLUTIONS

Senator Chappelle-Nadal moved that **HCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Chappelle-Nadal, **HCR 16** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senators

Nasheed	Nieves	Rupp	Schaefer—4
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Absent with leave—Senators—None

Vacancies—None

PRIVILEGED MOTIONS

Senator Wallingford, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 36**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 36**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 36, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 36, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 36;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 36, be Third Read and Finally Passed.

FOR THE SENATE:
/s/ Wayne Wallingford

FOR THE HOUSE:
/s/ Ron Hicks

/s/ Bob Dixon
 /s/ Gary Romine
 /s/ Jolie Justus
 /s/ Joseph P. Keaveny

/s/ Stanley Cox
 /s/ Jeremy LaFaver

Senator Wallingford moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wallingford, **CCS** for **SCS** for **SB 36**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 36

An Act to repeal sections 211.071 and 211.073, RSMo, and to enact in lieu thereof three new sections relating to juvenile criminal offenders.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 418**, entitled:

An Act to repeal sections 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, and 86.1630, RSMo, and to enact in lieu thereof twenty-seven new sections relating to Kansas City police retirement systems.

Was called from the Informal Calendar and taken up by Senator Silvey.

On motion of Senator Silvey, **HCS** for **HB 418** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Justus Nasheed—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 510, introduced by Representatives Torpey and Wieland, entitled:

An Act to repeal sections 347.039 and 347.153, RSMo, and to enact in lieu thereof three new sections relating to series limited liability companies.

Was called from the Informal Calendar and taken up by Senator Sifton.

On motion of Senator Sifton, **HB 510** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Pearce	Richard	Romine	Rupp	Sater

Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—32

NAYS—Senators—None

Absent—Senators

Nasheed Parson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

PRIVILEGED MOTIONS

Senator Brown moved that **SCS** for **SB 229**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 229** was taken up.

Senator Brown moved that **HCS** for **SCS** for **SB 229** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Nasheed Parson Rupp—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown, **HCS** for **SCS** for **SB 229** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla

McKenna	Munzlinger	Nieves	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Nasheed	Parson	Rupp—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 388**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 505**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 161**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 336**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 653**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 306**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 306, Page 1, In the Title, Lines 2-3, by striking: “the designation of the state dogs” and inserting in lieu thereof the following: “state designations”; and

Further amend said bill, Page 2, Section 10.113, Line 11, by inserting after all of said line the following: **“10.115. The cheese known as “Provel” is designated the official cheese of the state of Missouri.”**; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 306, Page 1, Section 10.112, Line 1, by striking “1.”; and further amend lines 5 to 16, by striking all of said lines; and

Further amend said bill and section, Page 2, Lines 17 to 30, by striking all of said lines; and

Further amend said bill and page, Section 10.113, line 1, by striking “1.”; and further amend lines 3 to 11, by striking all of said lines.

Senator Brown, Chairman of the Committee on Veterans’ Affairs and Health, submitted the following report:

Mr. President: Your Committee on Veterans’ Affairs and Health, to which was referred **HCS** for **HB 986**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce assumed the Chair.

PRIVILEGED MOTIONS

Senator Sater moved that **SB 205**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 205** was taken up.

Senator Sater moved that **HCS** for **SB 205**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Kraus Lager—2

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Sater, **HCS** for **SB 205**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Kraus Lager—2

Absent—Senators

Rupp Schmitt—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Dempsey assumed the Chair.

BILLS DELIVERED TO THE GOVERNOR

SB 350, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended and **HCS** for **HB 349**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was

referred **HCS** for **HB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 374** and **434**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 533, introduced by Representative Riddle, et al, with **SCS**, entitled:

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof two new sections relating to a state employee keeping a firearm in his or her vehicle, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Munzlinger.

SCS for **HB 533**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 533

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to a state employee keeping a firearm in his or her vehicle, with a penalty provision.

Was taken up.

Senator Munzlinger moved that **SCS** for **HB 533** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 533, Page 1, In the Title, Line 3, by striking the words “a state employee keeping a firearm in his or her vehicle” and inserting in lieu thereof the following: “firearms”; and

Further amend said bill, page 6, section 571.030, line 186 by inserting after all of said line the following:

“571.067. No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless:

(1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and

(2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff’s revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 533, Page 6, Section 571.030, Line 186, by inserting immediately after said line, the following:

“Section 1. The general assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Romine offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 533, Page 3, Section 571.030, Line 75, by striking the word “and”; and further amend line 79, by inserting immediately after the word “duties” the following:

“; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person’s official duties”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger moved that **SCS** for **HB 533**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **HB 533**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	Nasheed	Sifton—7
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Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 41**, as amended: Representatives: Hough, Cox, and Mitten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **HBs 256, 33** and **305**, as amended. Representatives: Jones (50), Elmer, and Otto.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **HCS** for **HB 199**, as amended. Representatives: Dugger, Diehl, and Conway (10).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **CCR No. 2** on **SS** for **HCS** for **HJR**s **11** and **7**, as amended, and has taken up and passed **CCS No. 2** for **SS** for **HCS** for **HJR**s **11** and **7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 717**, entitled:

An Act to repeal sections 208.151, 210.110, 210.145, 210.152, 210.153, 210.278, 210.482, 210.487, 210.950, 211.036, 211.447, 453.010, 453.072, 488.607, 556.061, 558.026, 566.030, 566.032, 566.034, 566.060, 566.062, 566.064, 566.067, 566.068, 566.083, and 566.212, RSMo, and to enact in lieu thereof thirty-four new sections relating to children and families, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 727**, entitled:

An Act to repeal sections 208.152, 209.150, 209.152, 209.200, 209.202, 301.143, 304.028, and 630.170, RSMo, and to enact in lieu thereof nine new sections relating to individuals with disabilities, with a penalty provision, an expiration date for a certain section, and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Parson, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HJR**s **11** and **7**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NOS. 11 & 7

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, with Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, as amended;

2. That the House recede from its position on House Committee Substitute for House Joint Resolution Nos. 11 & 7;

3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Bill Reiboldt
/s/ Todd Richardson
/s/ Linda Black

FOR THE SENATE:

/s/ Mike L. Parson
/s/ Brian Munzlinger
/s/ Dan Brown
/s/ Jolie Justus
/s/ Scott Sifton

Senator Kraus assumed the Chair.

Senator Parson moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Kehoe	Kraus
Lager	Lamping	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Wasson—27					

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	LeVota	Nasheed	Walsh—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Parson, **CCS No. 2** for **SS** for **HCS** for **HJRs 11** and **7**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NOS. 11 & 7**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to farm.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Kehoe
Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt

Sifton Silvey Wallingford Wasson—28

NAYS—Senators

Chappelle-Nadal Justus Keaveny LeVota Nasheed Walsh—6

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Photographers from ABC 17 News were given permission to take pictures in the Senate Chamber.

Senator Sater moved that the Senate refuse to concur in **HCS** for **SB 127**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SCS** for **SJR 16**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 16, Page 6, Section B, Line 5, by striking the word “Shall” and inserting in lieu thereof the word “**Should**”; and

Further amend said line by striking the word “amended” and inserting in lieu thereof the word “**changed**”; and

Further amend said line by striking the words “and use”; and

Further amend said resolution and page, Section C, Line 5, by striking the words “Additional revenue is estimated to be” and inserting in lieu thereof the following:

“**This change is expected to produce**”; and

Further amend said resolution, page, section, Lines 5-6, by striking the words “transportation safety and

job creation fund” and inserting in lieu thereof the following:

“Transportation Safety and Job Creation Fund”; and

Further amend said resolution, page, section, Line 6, by striking the word “gasoline” and inserting in lieu thereof the word **“gas”**; and

Further amend said resolution, page, section, Line 7, by striking the second use of the word “will” and inserting in lieu thereof the word **“shall”**.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 16, Page 2, Section 30(d), Line 10, by inserting immediately after the word, **“be”** the following words, **“used for administrative purposes or”**; and

Further amend said bill, page, section, Line 11, by inserting after the word, **“article.”** the following words, **“The oversight division of the committee on legislative research shall conduct a program evaluation of the department of transportation to ensure the additional funds under section 30(e) are used as required under this article and provide a report to the general assembly by January 1, 2017.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 222**, entitled:

An Act to repeal sections 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, and 527.290, RSMo, and to enact in lieu thereof nineteen new sections relating to domestic violence, with existing penalty provisions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 222, Page 1, Section A, Line 6, by inserting after all of said section and line the following:

“452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) “Coerce” means to force a person to act in a given manner or to compel by pressure or threat;

(2) “Custody” means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

[(2)] (3) “Joint legal custody” means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned,

or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

[(3)] (4) “Joint physical custody” means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

[(4)] (5) “Third-party custody” means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child’s parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child’s best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child’s adjustment to the child’s home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child’s custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(b) A violation of section 568.020;

- (c) A violation of subdivision (2) of subsection 1 of section 568.060;
- (d) A violation of section 568.065;
- (e) A violation of section 568.080;
- (f) A violation of section 568.090; or
- (g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based

on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 7 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial

or visitation rights from any further harm.

14. If the court finds that a parent of a child, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion, the court may deny custody to the parent.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child.

(2) (a) The court shall not grant visitation to the parent not granted custody if such parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(c) The court may exercise its discretion in granting visitation to a parent not granted custody if such parent, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution, [or] legal separation **or judgment of paternity**. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local

or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type:

“PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

- (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;**
- (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;**
- (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;**
- (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT’S ORDERS;**
- (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND**
- (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY’S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY.”.**

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

- (1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;
- (2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;
- (3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;
- (4) Requiring the violator to post bond or security to ensure future compliance with the court’s access orders; and
- (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child relationship between the aggrieved party and the child.

7. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

8. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

9. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) **“Coerce” means to force a person to act in a given manner or to compel by pressure or threat;**

(2) **“Minor” or “child”, any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one;**

[(2)] (3) **“Parent”, a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;**

[(3)] (4) **“Putative father”, the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087; and**

[(4)] (5) **“Stepparent”, the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.**

453.040. The consent to the adoption of a child is not required of:

(1) A parent whose rights with reference to the child have been terminated pursuant to law, including section 211.444 or section 211.447 or other similar laws in other states;

(2) A parent of a child who has legally consented to a future adoption of the child;

(3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of the petition;

(4) A man who has not been established to be the father and who is not presumed by law to be the father, and who, after the conception of the child, executes a verified statement denying paternity and disclaiming any interest in the child and acknowledging that this statement is irrevocable when executed and follows the consent as set forth in section 453.030;

(5) A parent or other person who has not executed a consent and who, after proper service of process, fails to file an answer or make an appearance in a proceeding for adoption or for termination of parental rights at the time such cause is heard;

(6) A parent who has a mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(7) A parent who has for a period of at least six months, for a child one year of age or older, or at least sixty days, for a child under one year of age, immediately prior to the filing of the petition for adoption, willfully abandoned the child or, for a period of at least six months immediately prior to the filing of the petition for adoption, willfully, substantially and continuously neglected to provide him with necessary care and protection;

(8) A man who has reason to believe he is the biological father of an unborn child and who attempted to coerce the mother of the child to obtain an abortion;

(9) A parent whose rights to the child may be terminated for any of the grounds set forth in section 211.447 and whose rights have been terminated after hearing and proof of such grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an adoption petition.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 222, Page 1, Section A, Line 6, by inserting after all of said section and line the following:

“160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district’s determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district’s discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, “need to know” is defined as school personnel who are directly responsible for the student’s education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase “act of school violence” or “violent behavior” means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;

- (5) [Forcible] Rape **in the first degree** under section 566.030;
- (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- (24) Harassment under section 565.090; or

(25) Stalking under section 565.225; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and

the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. “Acts of violence” as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district’s discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education’s written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children’s division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children’s division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children’s division within twenty-four hours of receiving the information. Reports made to the children’s division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children’s division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children’s division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the

alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;**
- (6) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;**
- (7) Burglary in the first degree under section 569.160;
- (8) Robbery in the first degree under section 569.020;
- (9) Distribution of drugs under section 195.211;
- (10) Distribution of drugs to a minor under section 195.212;
- (11) Arson in the first degree under section 569.040;
- (12) Voluntary manslaughter under section 565.023;
- (13) Involuntary manslaughter under section 565.024;

- (14) Second degree assault under section 565.060;
- (15) Sexual assault under section 566.040 **as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;**
- (16) Felonious restraint under section 565.120;
- (17) Property damage in the first degree under section 569.100;
- (18) The possession of a weapon under chapter 571;
- (19) Child molestation in the first degree pursuant to section 566.067;
- (20) Deviate sexual assault pursuant to section 566.070 **as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;**
- (21) Sexual misconduct involving a child pursuant to section 566.083; or
- (22) Sexual abuse pursuant to section 566.100 **as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.**

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

(1) Such pupil has been convicted of; or

(2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

(a) First degree murder under section 565.020;

(b) Second degree murder under section 565.021;

(c) First degree assault under section 565.050;

(d) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;**

(e) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;**

(f) Statutory rape under section 566.032;

(g) Statutory sodomy under section 566.062;

(h) Robbery in the first degree under section 569.020;

(i) Distribution of drugs to a minor under section 195.212;

(j) Arson in the first degree under section 569.040;

(k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: rape **in the first degree** under section 566.030; **forcible rape under section 566.030 as it existed prior to August 28, 2013; rape as it existed prior to August 13, 1980;** statutory rape in the first degree under section 566.032; statutory rape in the second degree under

section 566.034; **rape in the second degree under section 566.031**; sexual assault under section 566.040 **as it existed prior to August 28, 2013**; **sodomy in the first degree under section 566.060**; forcible sodomy under section 566.060 **as it existed prior to August 28, 2013**; **sodomy as it existed prior to January 1, 1995**; statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree under section 566.067; child molestation in the second degree under section 566.068; **sodomy in the second degree under section 566.061**; deviate sexual assault under section 566.070 **as it existed prior to August 28, 2013**; sexual misconduct involving a child under section 566.083; sexual contact with a student while on public school property under section 566.086; **sexual misconduct in the first degree under section 566.093**; sexual misconduct in the first degree under section 566.090 **as it existed prior to August 28, 2013**; **sexual misconduct in the second degree under section 566.095**; sexual misconduct in the second degree under section 566.093 **as it existed prior to August 28, 2013**; sexual misconduct in the third degree under section 566.095 **as it existed prior to August 28, 2013**; **sexual abuse in the first degree under section 566.100**; sexual abuse under section 566.100 **as it existed prior to August 28, 2013**; **sexual abuse in the second degree under section 566.101**; enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance under section 568.080; promoting sexual performance by a child under section 568.090; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting obscenity in the second degree when the penalty is enhanced to a class D felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

188.023. Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the first degree or statutory rape in the second degree, or if the patient is under the age of eighteen, that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape in the first or second degree**, or incest, shall be required to report such offenses in the same manner as provided for by section 210.115.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 **as it existed prior to August 28, 2013, rape in the first degree under section 566.030**, forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060**, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the

child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control

necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape **or rape in the first degree**. When the biological father has pled guilty to, or is convicted of, the forcible rape **or rape in the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination

is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) “Director”, the director of the department of corrections or his designee;

(7) “Disciplinary segregation”, a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender’s behavior;

(8) “Division”, a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) “Division director”, the director of a division of the department or his designee;

(10) “Local volunteer community board”, a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) “Nonviolent offender”, any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) “Offender”, a person under supervision or an inmate in the custody of the department;

(13) “Probation”, a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) “Volunteer”, any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee’s designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to

violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission

which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: **rape in the first degree, forcible rape, rape**, statutory rape in the first degree, statutory rape in the second degree, **rape in the second degree**, sexual assault, **sodomy in the first degree**, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, **sodomy in the second degree**, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree **under section 566.090 as it existed prior to August 28, 2013**, sexual abuse **under section 566.100 as it existed prior to August 28, 2013**, **sexual abuse in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission."'; and

Further amend said bill, Page 16, Section 527.290, Line 14, by inserting after all of said section and line the following:

"556.036. 1. A prosecution for murder, **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy, **attempted sodomy in the first degree**, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced

within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant’s complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy,

kidnapping, **attempted sodomy in the first degree**, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.

556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) “Affirmative defense” has the meaning specified in section 556.056;

(2) “Burden of injecting the issue” has the meaning specified in section 556.051;

(3) “Commercial film and photographic print processor”, any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) “Confinement”:

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person’s release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(5) “Consent”: consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, [or] intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(6) “Criminal negligence” has the meaning specified in section 562.016;

(7) “Custody”, a person is in custody when the person has been arrested but has not been delivered to a place of confinement;

(8) “Dangerous felony” means the felonies of arson in the first degree, assault in the first degree, **attempted rape in the first degree if physical injury results**, attempted forcible rape if physical injury results, **attempted sodomy in the first degree if physical injury results**, attempted forcible sodomy if physical injury results, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy,

kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child [pursuant to subdivision (2) of subsection 3 of] **if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;

(9) “Dangerous instrument” means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(10) “Deadly weapon” means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) “Felony” has the meaning specified in section 556.016;

(12) “Forcible compulsion” means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) “Incapacitated” means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person’s conduct, or unable to communicate unwillingness to an act[. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person’s conduct or unable to communicate unwillingness to an act, after consenting to the act];

(14) “Infraction” has the meaning specified in section 556.021;

(15) “Inhabitable structure” has the meaning specified in section 569.010;

(16) “Knowingly” has the meaning specified in section 562.016;

(17) “Law enforcement officer” means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) “Misdemeanor” has the meaning specified in section 556.016;

(19) “Offense” means any felony, misdemeanor or infraction;

(20) “Physical injury” means physical pain, illness, or any impairment of physical condition;

(21) “Place of confinement” means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) “Possess” or “possessed” means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the

power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) “Public servant” means any person employed in any way by a government of this state who is compensated by the government by reason of such person’s employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) “Purposely” has the meaning specified in section 562.016;

(25) “Recklessly” has the meaning specified in section 562.016;

(26) “Ritual” or “ceremony” means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) “Serious emotional injury”, an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) “Serious physical injury” means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) “Sexual conduct” means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) “Sexual contact” means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) “Sexual performance”, any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) “Voluntary act” has the meaning specified in section 562.011.

558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender] **attempting to commit or committing the following offenses:**

(1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

(2) **Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;**

(3) **Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;**

(4) Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;

(5) Rape committed or attempted before August 13, 1980;

(6) Sodomy committed or attempted before January 1, 1995.

2. A “persistent sexual offender” is one who has previously [pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection] **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and “imprisonment for life” shall mean imprisonment for the duration of the person’s natural life.

4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has** been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a “predatory sexual offender” is a person who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or

(2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or

(3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual

offender who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than thirty years;

(2) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than fifteen years;

(3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, and pleads guilty to or is found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except [that,] in the case of multiple sentences of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy or] **any offense committed during or at the same time as, or multiple offenses of, the following felonies:**

(1) **Rape in the first degree, forcible rape, or rape;**

(2) **Statutory rape in the first degree;**

(3) **Sodomy in the first degree, forcible sodomy, or sodomy;**

(4) **Statutory sodomy in the first degree; or**

(5) An attempt to commit any of the [aforesaid and for other offenses committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit any of the aforesaid, the

sentences of imprisonment imposed for the other offenses may run concurrently, but] **felonies listed in this subsection.**

In such case, the sentence of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy] **any felony listed in this subsection** or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. **The sentences imposed for any other offense may run concurrently.**

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the board of probation and parole shall not be required for parole consideration.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection [5] **8** of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this [section] **subsection** or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate **one hundred twenty-day** program in which to place the offender, [including] **which may include placement in the shock incarceration program** or institutional treatment **program**. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a [treatment] program **under this subsection**, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. [The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If

the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release.] The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days [of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from] **from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal.** The department [of corrections a] **shall** report on the offender's participation in the program and [department] **may provide** recommendations for terms and conditions of an offender's probation. The court shall then [release the offender on probation or order the offender to remain in the department to serve the sentence imposed] **have the power to grant probation or order the execution of the offender's sentence.**

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program **under subsection 3 of this section** is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request [that the offender be placed in the sexual offender assessment unit of the department of corrections] **the department of corrections to conduct a sexual offender assessment** if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. **Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.**

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration [for one hundred twenty days for participation in a department of corrections program] **under this section** prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 **as it existed prior to August 28, 2013; rape in the first degree under section 566.030**; forcible sodomy pursuant to section 566.060 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060**; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:

- (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;
- (2) Have been found guilty of, or plead guilty to, **rape in the first degree under section 566.030 or forcible rape under section 566.030 as it existed prior to August 28, 2013**;
- (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;
- (4) Have been found guilty of, or plead guilty to, **sodomy in the first degree under section 566.060 or forcible sodomy under section 566.060 as it existed prior to August 28, 2013**;
- (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;
- (6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;
- (7) Have been found to be a predatory sexual offender under section 558.018; or
- (8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide.

566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2.] Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

[3.] **2.** Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

[4.] **3.** Consent is not an affirmative defense to any offense under chapter 566 if the alleged victim is less than twelve years of age.

566.030. 1. A person commits the [crime] **offense** of [forcible] rape **in the first degree** if [such person] **he or she** has sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible] rape **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] rape **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] rape **in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] rape **in the first degree or attempt to commit rape in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] rape **in the first degree** or an attempt to

commit [forcible] rape **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] **rape in the second degree** if he **or she** has sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Sexual assault] **The offense of rape in the second degree** is a class C felony.

566.060. 1. A person commits the [crime] **offense** of [forcible] sodomy **in the first degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years [of age] **old**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] sodomy **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C felony.

566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second] **first** degree if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. **The offense of** sexual misconduct in the [second] **first** degree is a class B misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an offense under this chapter, in which case it is a class A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third] **second** degree if he **or she** solicits or requests another person to engage in sexual conduct under circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely to cause affront or alarm.

2. **The offense of** sexual misconduct in the [third] **second** degree is a class C misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree** if he **or she** subjects another person to sexual contact **when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

2. **The offense of** sexual abuse **in the first degree** is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B felony.

[566.090.] **566.101.** 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second** degree if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of** sexual [misconduct] **abuse** in the [first] **second** degree is a class A misdemeanor, unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony.

566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of **rape in the second degree under section 566.031**, sexual assault under section 566.040 **as it existed prior to August 28, 2013**, **rape in the first degree under section 566.030**, or forcible rape under section 566.030 **as it existed prior to August 28, 2013** to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, **rape in the first or second degree**, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, [or] forcible rape, **or rape in the first or second degree** case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

589.015. As used in sections 589.010 to 589.040:

(1) The term “center” shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term “sexual assault” shall include:

(a) The acts of rape **in the first or second degree**, forcible rape, **rape**, statutory rape in the first degree, statutory rape in the second degree, sexual assault, sodomy **in the first or second degree**, forcible sodomy, **sodomy**, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault, sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

(b) The act of incest, as this act is defined in section 568.020;

(c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

(d) The act of use of a child in a sexual performance as defined in section 568.080; and

(e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act.

590.700. 1. As used in this section, the following terms shall mean:

(1) “Custodial interrogation”, the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. “Custodial interrogation” shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) “Recorded” and “recording”, any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in

the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

- (1) If the suspect requests that the interrogation not be recorded;
- (2) If the interrogation occurs outside the state of Missouri;
- (3) If exigent public safety circumstances prevent recording;
- (4) To the extent the suspect makes spontaneous statements;
- (5) If the recording equipment fails; or
- (6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action.

632.480. As used in sections 632.480 to 632.513, the following terms mean:

- (1) "Agency with jurisdiction", the department of corrections or the department of mental health;
- (2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;
- (3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;
- (4) "Sexually violent offense", the felonies of **rape in the first degree**, forcible rape, rape, statutory rape in the first degree, **sodomy in the first degree**, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse, **sexual abuse in the first degree**, **rape in the second degree**, sexual assault, **sexual assault in the first degree**, **sodomy in the second degree**, deviate sexual assault, **deviate sexual assault in the first degree**, or the act of abuse of a child [as defined in subdivision (1) of subsection 1 of section

568.060 which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060] **involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to the offenses listed above;**

(5) “Sexually violent predator”, any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030 of a sexually violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

Section B. Because immediate action is necessary to protect children the repeal and reenactment of sections 556.061 and 568.060 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 556.061 and 568.060 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senators Lamping and Walsh offered Senate Resolution No. 991, regarding Camille Angela Palmer, Florissant, which was adopted.

On motion of Senator Richard, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 992, regarding Cheryl Blaise, Macon, which was adopted.

Senator Sater offered Senate Resolution No. 993, regarding Connell Insurance, Hollister, which was adopted.

Senator Sater offered Senate Resolution No. 994, regarding Ethan Daniel Jobes, Mt. Vernon, which was adopted.

Senator Wasson offered Senate Resolution No. 995, regarding Darlene Harmon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 996, regarding Corrections Officer II Everett Asquith, which was adopted.

Senator Munzlinger offered Senate Resolution No. 997, regarding Anita Hearn, which was adopted.

Senator Munzlinger offered Senate Resolution No. 998, regarding Corrections Officer I Susan

Kattelman, which was adopted.

Senator Munzlinger offered Senate Resolution No. 999, regarding Corrections Officer I Tina Graver, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1000, regarding Dr. Evelyn E. Jorgenson, Moberly, which was adopted.

Senator Cunningham offered Senate Resolution No. 1001, regarding Jack Lovan, Willow Springs, which was adopted.

PRIVILEGED MOTIONS

Senator Schmitt moved that **SS** for **SCS** for **SB 114**, with **HA 1**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Kehoe assumed the Chair.

HA 1, as amended, was taken up.

Senator Schmitt moved that the above amendment be adopted.

Pursuant to the provisions of Senate Rule 91, Senator Sifton was excused from voting on the adoption of **HA 1**, as amended, third reading and final passage of the bill and the emergency clause.

Senator Kraus assumed the Chair.

Photographers from KOMV-TV were given permission to take pictures in the Senate Chamber.

Senator Schaaf offered a substitute motion that the Senate refuse to adopt **HA 1**, as amended, to **SS** for **SCS** for **SB 114** and request the House to recede from its position and failing to do so grant the Senate a conference thereon.

At the request of Senator Schmitt, his motion to adopt **HA 1**, as amended, to **SS** for **SCS** for **SB 114** was withdrawn, which placed the bill back on the calendar.

Senator Rupp moved that the Senate conferees be allowed to exceed the differences on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 236**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 256**, entitled:

An Act to repeal sections 160.2100, 174.335, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof six new sections relating to child abuse and neglect.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, Section 595.220, Page 12, Line 45, by inserting the following at the end of said line:

“The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused.”; and

Further amend said section and page, Lines 53-54, by deleting **“paragraph (a) of this subdivision by the rules authorized under subsection 7 of this section”** and inserting in lieu thereof the following:

“subparagraph a under rules authorized under subsection 7 of this section”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. “Bullying” means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property; substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school. Bullying may consist of but is not limited to physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. Bullying is prohibited by students on school property, at any school function, or on a school bus. “Cyberbullying” is bullying as defined in this subsection through the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.

3. Each district’s antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat all students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district’s antibullying policy shall require, at a minimum, the following components:

(1) A statement prohibiting bullying, defined no less inclusive than that in subsection 1 of this section;

(2) A statement requiring district employees to report any instance of bullying of which the employee has firsthand knowledge[. The district policy shall address training of employees in the requirements of the district policy.], has reasonable cause to suspect that a student has been subject to bullying, or has received a report of bullying from a student. The policy shall be included in the student handbook;

(3) A procedure for reporting an act of bullying;

(4) A procedure for prompt investigation of reports of violations and complaints, identifying one or more employees responsible for the investigation;

(5) The range of ways in which a school will respond once an incident of bullying is confirmed;

(6) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(7) A statement of how the policy is to be publicized;

(8) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including at a minimum the following statements:

(a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

(b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying;

(d) The administration of the school district shall instruct its school counselors to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be limited to: cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; and encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section;

(e) The administration of the school district shall implement programs and other initiatives to prevent bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, Page 3, Section 174.335, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 252**, entitled:

An Act to repeal sections 105.711, 136.055, 301.020, 301.3031, and 302.183, RSMo, and to enact in lieu thereof eight new sections relating to the department of revenue, with a penalty provision, and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 252, Pages 7 to 9, Section 136.055, Lines 1 to 51, by deleting all of said section from the bill; and

Further amend said bill, Pages 9 to 11, Section 301.020, Lines 1 to 99, by deleting all of said section from the bill; and

Further amend said bill, Page 12, Section 301.3033, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

“301.3033. 1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War I memorial trust fund established pursuant to this section. Whenever a vehicle owner pursuant to this chapter makes an application for a license plate, other than a military license plate previously described, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of one dollar to the World War I memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

2. There is established in the state treasury the “World War I Memorial Trust Fund”. The state treasurer shall credit to and deposit in the World War I memorial trust fund all amounts received pursuant to subsection 1 of this section and any other” ; and

Further amend said bill, page, and section, Line 6, by deleting “2.” and inserting in lieu thereof the following:

“3.” ; and

Further amend said bill, page, and section, Line 11, by deleting “3.” and inserting in lieu thereof the following:

“4.” ; and

Further amend said bill, page, and section, Line 16, by deleting “subsection 9 of section 301.020” and inserting in lieu thereof the following:

“subsection 1 of this section” ; and

Further amend said bill, Page 13, Section 302.065, Lines 18 to 26, by deleting all of said lines and inserting in lieu thereof the following:

“a concealed carry endorsement. By December 31, 2013,” ; and

Further amend said bill, page, and section, Line 30, by deleting all of said line and inserting in lieu thereof the following:

“4. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned;

(2) Test score documents issued by state highway patrol driver examiners;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person’s lawful presence in the United

States: and

(4) Any document required to be” ; and

Further amend said bill, page, and section, Line 33, by deleting the word “**permit**” and inserting in lieu thereof the following:

“permit; and

(5) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver license, nondriver license, or instruction permit” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 14, Section 302.065, Line 39, by inserting after all of said line the following:

“6. Any person harmed or damaged by any violation of section 302.065 may bring a civil action for damages, including non-economic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court or the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 16, Section 302.189, Line 23, by inserting after all of said section and line the following:

“571.500. No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate or enable the federal government in developing, a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.”; and

Further amend said bill, Page 16, Section B, Lines 1-7, by deleting all of said lines and inserting in lieu thereof the following:

“Section B. Because of the need to ensure that the privacy of Missouri citizens is protected and not violated by the agencies of this state, the enactment of sections 302.065, 302.189 and 571.500 and the repeal and reenactment of section 302.183 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 302.065, 302.189 and 571.500 and the repeal and reenactment of section 302.183 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 11, Section 301.020, Line 99, by inserting after all of said section the following:

“301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the motor carrier and railroad safety division of the department of economic development. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer **as defined in section 301.010** or semitrailer which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 252, Page 16, Section 302.189, Line 23, by inserting after all of said line the following:

“Section 1. Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Richard, the Senate recessed until 7:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 110**, entitled:

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 110, Page 1, Section A, Line 2, by inserting after all of said line the following:

“210.482. 1. If the emergency placement of a child in a private home is necessary due to the unexpected absence of the child’s parents, legal guardian, or custodian, the juvenile court or children’s division:

(1) May request that a local or state law enforcement agency or juvenile officer, subject to any required federal authorization, immediately conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each person over the age of seventeen residing in the home by using the Missouri uniform law enforcement system (MULES) and the National Crime Information Center to access the Interstate Identification Index maintained by the Federal Bureau of Investigation; and

(2) Shall determine or, in the case of the juvenile court, shall request the division to determine whether any person over the age of seventeen years residing in the home is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the home, the children’s division shall inquire of the person with whom an emergency placement of a child will be made whether any children less than seventeen years of age residing in the home have ever been certified as an adult and convicted of or pled guilty or nolo contendere to any crime.

2. If a name-based search has been conducted pursuant to subsection 1 of this section, within fifteen calendar days after the emergency placement of the child in the private home, and if the private home has not previously been approved as a foster or adoptive home, all persons over the age of seventeen residing in the home and all children less than seventeen residing in the home who the division has determined have been certified as an adult for the commission of a crime shall report to a local law enforcement agency for the purpose of providing [two] **three** sets of fingerprints each and accompanying fees, pursuant to section 43.530. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be forwarded to and retained by the division.** Results of the checks [will] **shall** be provided to the juvenile court or children’s division office requesting such information. Any child placed in emergency placement in a private home shall be removed immediately if any person residing in the home fails to provide fingerprints after being requested to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

3. If the placement of a child is denied as a result of a name-based criminal history check and the denial is contested, all persons over the age of seventeen residing in the home and all children less than seventeen years of age residing in the home who the division has determined have been certified as an adult for the commission of a crime shall, within fifteen calendar days, submit to the juvenile court or the children’s division [two] **three** sets of fingerprints in the same manner described in subsection 2 of this section, accompanying fees, and written permission authorizing the juvenile court or the children’s division to forward the fingerprints to the state criminal record repository for submission to the Federal Bureau of Investigation. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be retained by the division.**

4. **No person who submits fingerprints under this section shall be required to submit additional fingerprints under this section or section 210.487 unless the original fingerprints retained by the division are lost or destroyed.**

5. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

[5.] 6. For the purposes of this section, “emergency placement” refers to those limited instances when the juvenile court or children’s division is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child’s primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant’s household and for any child less than seventeen years of age residing in the applicant’s home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain [two] **three** sets of fingerprints for any person over the age of seventeen in the applicant’s household and for any child less than seventeen years of age residing in the applicant’s home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. One set of fingerprints shall be used by the highway patrol to search the criminal history repository [and the second], **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, **and one set shall be forwarded to and retained by the division.** The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant’s home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant’s home, the children’s division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime.

2. After the initial investigation is completed under subsection 1 of this section[.]:

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed; and

(2) The children’s division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions

of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 302**.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 302, Page 2, Section 338.200, Line 41 by inserting after all of said line the following:

“376.1227. 1. No contract between a health carrier or health benefit plan and an optometrist for the provision of optometric services and products under a vision plan shall require that the optometrist provide optometric services and products to insureds in the vision plan at a fee established by the health carrier or health benefit plan if such optometric services or products are not covered services or products under the vision plan.

2. For purposes of this section, the following terms shall mean:

(1) “Covered services”, services reimbursable by a health carrier or health benefit plan under an applicable vision plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;

(2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350;

(4) “Vision plan”, any policy or contract of insurance which provides for coverage of vision care services or products.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 302, Page 1, In the Title, Line 2, by deleting the words “emergency prescription refills” and inserting in lieu thereof the words “public health”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“196.056. 1. A nonprofit organization may prepare food in a private home or other area for distribution to the end consumer at a charitable fundraising event.

2. The nonprofit organization shall inform the consumer by placing a clearly visible placard at the serving location that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

3. The nonprofit organization may notify the regulatory authority in writing or via electronic mail prior to the beginning of the event. If made, such notification shall include the following: name of the nonprofit organization; date, time, and location of the event; name and contact information of the person responsible for the event.

4. This section does not apply to a food establishment regulated by the department of health and senior services providing food for the event.

5. This section shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any city not within a county, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 302, Page 2, Section 338.200, Line 41, by inserting after all of said line the following:

“338.321. 1. The “Missouri Oral Chemotherapy Parity Interim Committee” is hereby created to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee shall consider information on the costs or actuarial analysis associated with the delivery of patient oncology treatments. The conclusions of this study shall satisfy any statutorily required actuarial analysis.

2. The Missouri oral chemotherapy parity interim committee shall consist of the following members:

- (1) Two members of the senate, appointed by the president pro tempore of the senate;**
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;**
- (3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under chapter 334;**
- (4) One member who is an oncology nurse licensed in this state under chapter 335;**
- (5) One member who is a representative of a Missouri pharmacy benefit management company;**
- (6) One member from an organization representing licensed pharmacists in this state;**
- (7) One member from the business community representing businesses on health insurance issues;**
- (8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;**
- (9) One patient advocate;**
- (10) One member from the organization representing a majority of hospitals in this state;**
- (11) One member from a health carrier as such term is defined under section 376.1350;**

(12) One member from the organization representing a majority of health carriers in this state, as such term is defined under section 376.1350; and

(13) One member from the Leukemia and Lymphoma Society.

3. All members, except for the members from the general assembly, shall be appointed by the governor no later than September 1, 2013. The department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. No later than January 1, 2014, the committee shall submit a report to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committee of the general assembly regarding the results of the study and any legislative recommendations."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 302, Page 2, Section 338.200, Line 41 by inserting after said line the following:

"338.202. 1. As used in this section, the following terms mean:

(1) "AWP", average wholesale price as indicated by the National Drug Code, assigned by the federal Food and Drug Administration, as amended;

(2) "Compounded drugs", a prescription drug or device that has been prepared, incorporated, mixed and packaged or labeled as the result of a prescriber's prescription or prescription drug order based on the prescriber/patient/pharmacist relationship in the course of professional practice; and

(3) "Repackaged drugs", prescription drugs that are repackaged or which the container, wrapping, or labeling is otherwise changed to further the distribution of such prescription drug; however, the term does not include such activity when performed by the pharmacist responsible for dispensing the prescription drug.

2. For purposes of determining whether a health care provider has requested an excessive charge for a repackaged drug, a charge which exceeds the original manufacturer's AWP for such repackaged drugs shall be deemed excessive. With respect to repackaged or compounded drugs, charges greater than the sum of the original manufacturer's AWP for each individual drug or ingredient shall be deemed excessive. For the purposes of this section, any ingredient which does not have a National Drug Code shall not be reimbursable.

3. If an employer or insurer determines that a health care provider's charges for compounded or repackaged drugs are excessive pursuant to this section, the provider shall not receive payment for such drugs and is liable to return to the employer or insurer any charge already tendered."; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 99**, entitled:

An Act to repeal sections 78.090, 79.070, 115.003, 115.005, 115.007, 115.199, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.601, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof twenty-six new sections relating to elections.

With House Amendment Nos. 1, 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 99, Page 2, Section 115.199, by removing all of said Section from the bill; and

Further amend said bill, Page 13, Section 193.148, by removing all of said Section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 99, Page 11, Section 115.493, Line 3, by enclosing in brackets the word: “twelve” on said line and inserting immediately thereafter the phrase: “**twenty-two**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 99, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. **(1)** The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of

the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall

submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the

provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all [sales of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes [imposed pursuant to the local sales tax law] **shall not be imposed on the seller** [on the purchase and sale] of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed,

if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend said bill, Section 115.601, Page 12, Line 48, by inserting after all of said Section and Line the following:

“144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection,** upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, [including but not limited to] **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection,** a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or

electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and**

outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. Except as otherwise provided, the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their “gross receipts”, defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed to be consummated] **imposed at the rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors [subject to sales taxes under this chapter] shall be [deemed to be consummated] **imposed at the rate in effect,** unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any** [the sales or use] tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any [sales or use] tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county [sales or use] tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term “boat” includes all motorboats and vessels as the terms “motorboat” and “vessel” are defined in section 306.010.

144.440. 1. [In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.] At the time the owner of any [such] motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise

provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.] **2.** In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

[4.] **3.** No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.] **4.** The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a [use] **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A [use] **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.] **5.** In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a [use] **sales** tax[,], all of its lease receipts would be subject to the [use] **sales** tax[,], regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.] **6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** shall not apply:

(1) [To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)] To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)] **(2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)] **(3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)] **(4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from

schools supported by such organization;

[(6)] **(5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)] **(6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)] **(7)** To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** on motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and** sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] **as dictated by article IV, section 30(b) of the Constitution of Missouri.**

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local [sales and use] taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020**, purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required

to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales or use] tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the [use] tax provided by [the Missouri use tax law] **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to [use] tax [as provided in the Missouri use tax law] **in this chapter** until the tax levied for the use of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section [144.440] **144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.”; and

Further amend said bill, Section 473.737, Page 15, Line 28, by inserting after all of said section and line the following:

“Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and

144.615, as amended by this act.

Section B. Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 99, Page 1, In the Title, Line 2, by inserting after “sections” the following: “77.030,”; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting after “RSMo,” the following: “and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,”; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after “Sections” the following: “77.030,”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after “RSMo,” the following: “and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,”; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after all of said line the following:

“77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by approval of a majority of the

voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?

☐ **YES**

☐ **NO**

(3) If a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after approval of the ballot question.”; and

Further amend said bill, Page 15, Section 473.737, Line 28, by inserting after all of said line the following:

“[77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?

☐ **YES**

☐ **NO**

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.]”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 99, Page 1, Section A, Line 7, by inserting after all of said line the following:

“11.010. The official manual, commonly known as the “Blue Book”, compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state or a designated employee of the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 99, Page 1, Section A, Line 7, by inserting after all of said section and line, the following:

“67.1009. 1. The governing body of the following cities may impose a tax as provided in this section:

(1) Any city of the fourth classification with more than eight hundred thirty but fewer than nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than four thousand fifty but fewer than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than six tenths of one percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. Such tax shall be stated separately from all other charges and taxes.

3. The ballot of submission for any tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by

the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent up to six tenths of one percent)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend said bill, Page 2, Section 79.070, Line 4, by inserting after all of said section and line the following:

“94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required

to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under [subsections] **subsection 1**[, 2, and 3] of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 125**.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill

No. 125, Page 3, Lines 16 to 34, by deleting all of said lines and inserting in lieu thereof the following:

“5.] 4. If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 125 Page 5, Line 13, by inserting after all of said line the following:

“Further amend said bill, Page 6, Section 168.221, Line 109, by inserting after all of said line the following:

“8. Should the state mandate that professional development for teachers be provided in local school districts and any funds be utilized for such, a metropolitan school district shall be allowed to utilize a professional development plan for teachers which is known within the administration as the “St. Louis Plan,” should the district and the teacher decide jointly to participate in such plan.” ; and”
; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Section 161.092, Lines 64 to 71, by deleting all of said lines and inserting in lieu thereof the following:

“(14) Promulgate rules under which the board shall classify the public schools of the state; provided that the appropriate scoring guides, instruments, and procedures used in determining the accreditation status of a district shall be subject to a public meeting upon notice in a newspaper of general circulation in each of the three most populous cities in the state and also a newspaper that is a certified minority business enterprise or woman-owned business enterprise in each of the two most populous cities in the state, and notice to each district board of education, each superintendent of a school district, and to the speaker of the house of representatives, the president pro tem of the senate, and the members of the joint committee on education, at least fourteen days in advance of the meeting, which shall be conducted by the department of elementary and secondary education not less than ninety days prior to their application in accreditation, with all comments received to be reported to the state board of education;” ;and

Further amend said bill, page, and section, Line 72, by inserting after all of said line the following:

“162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited [for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the

second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to section 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education], **the state board of education shall, upon a district's initial classification or reclassification as unaccredited:**

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. [Prior to or] **If** at the time any school district in this state shall [lapse, but after the school district has been] **be** classified as unaccredited, the department of elementary and secondary education shall conduct [a] **at least two public [hearing] hearings** at a location in the unaccredited school district **regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited.** [The purpose of the hearing shall be to:

(1) Review any plan by the district to return to accredited status; or

(2) Offer any technical assistance that can be provided to the district.

3. Except as otherwise provided in section 162.1100, in a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and in any other school district if the local board of education does not anticipate a return to accredited status, the state board of education may appoint a special administrative board to supervise the financial operations, maintain and preserve the financial assets or, if warranted, continue operation of the educational programs within the district or what provisions might otherwise be made in the best interest of the education of the children of the district. The special administrative board shall consist of two persons who are residents of the school district, who shall serve without compensation, and a professional administrator, who shall chair the board and shall be compensated, as determined by the state board of education, in whole or in part with funds from the district.

4.] **3. Upon [lapse of the district] classification of a district as unaccredited,** the state board of education may:

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of the unaccredited district and:

(a) Appoint a special administrative board, [if such a board has not already been appointed, and authorize the special administrative board to retain the authority granted to a board of education] for the operation of all or part of the district. **The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district and to have all powers and duties of any other general superintendent of schools in a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or**

[(2)] (b) Determine an alternative governing structure for the district including, at a minimum:

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

[(3)] (d) Establish one or more school districts within the territory of the lapsed district, with a governance structure [consistent with the laws applicable to districts of a similar size] **specified by the state board of education**, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date. [The special administrative board may retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse.

5.] 4. If the state board of education chooses, upon a district's initial classification as unaccredited, to allow the district to remain under the continued governance of the existing school district board of education under terms and conditions established by the state board of education in subsection 3 of this section, the state board of education shall annually review such decision under the terms of this section for so long as the district remains unaccredited or provisionally accredited, with consideration

given to the following:

(1) If the unaccredited district earns an improved score of at least five points in academic achievement on the department's annual performance report as compared to the score it earned in the prior year or if the score is sufficient for accredited status, the state board of education may continue to allow the district to remain under the continued governance of the existing school district board of education under terms and conditions established by the state board of education;

(2) If the unaccredited district does not earn an improved score of at least five points in academic achievement on the department's annual performance report as compared to the score it earned in the prior year or has a score that is insufficient for accredited status, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section;

(3) In no case shall a district remain under the continued governance of the existing school district board of education if it suffers three consecutive years of unaccredited status. In such cases of continuous unaccredited status, the state board of education shall immediately proceed under subdivision (2) of subsection 3 of this section.

5. A special administrative board appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the special administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees, shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, the special administrative board, its members or employees. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board, its members and employees.

6. [Upon recommendation of the special administrative board, the state board of education may assign the funds, assets and liabilities of the lapsed district to another district or districts. Upon assignment, all authority of the special administrative board shall transfer to the assigned districts.

7.] Neither the special administrative board nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

[8.] 7. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.

[9. (1) The governing body of a school district, upon an initial declaration by the state board of education that such district is provisionally accredited, may, and, upon an initial declaration by the state board of education that such district is unaccredited, shall develop a plan to be submitted to the voters of the school district to divide the school district if the district cannot attain accreditation within three years of the initial declaration that such district is unaccredited. In the case of such a district being declared unaccredited, such plan shall be presented to the voters of the district before the district lapses. In the case of such a district being declared provisionally accredited, such plan may be presented before the close of the current accreditation cycle.

(2) The plan may provide that the school district shall remain intact for the purposes of assessing, collecting and distributing taxes for support of the schools, and the governing body of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis if the district selects this option.

(3) The makeup of the new districts shall be racially balanced as far as the proportions of students allow.

(4) If a majority of the district's voters approve the plan, the state board of education shall cooperate with the local board of education to implement the plan, which may include use of the provisions of this section to provide an orderly transition to new school districts and achievement of accredited status for such districts.

10.] **8.** In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

162.083. 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

4. [If the state board of education appoints a successor member to replace the chair of the special administrative board, the serving members of the special administrative board shall be authorized to appoint a superintendent of schools and contract for his or her services.

5.] On a date set by the state board of education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a school district as otherwise authorized by law.

162.1300. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including

attachment of a school district's territory to another district or dissolution, such that a school district receives additional students as a result of such change, the statewide assessment scores and all other performance data for those students whom the district received shall not be used for three years when calculating the performance of the receiving district for three school years for purposes of the Missouri school improvement program.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 14, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 350 entitled:

AN ACT

To repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

I disapprove of Senate Bill No. 350. My reasons for disapproval are as follows:

Senate Bill No. 350 is not comprehensive tax credit reform. Instead, it eliminates only part of a single program – the renters' portion of the Property Tax Credit – that assists low income seniors and disabled individuals.

Effective tax credit reform must be broad-based and designed to ensure that all tax credit programs provide a strong return for taxpayers, our communities and our economy. Such an approach is fiscally prudent and would build upon the State of Missouri's strong financial foundation. Senate Bill No. 350 does not constitute comprehensive tax credit reform.

Moreover, savings from the repeal of the renters' portion of the Property Tax Credit would not be used to assist Missouri seniors. Instead, the fiscal year 2014 budget directs savings that would be realized from the program's repeal to programs unrelated to seniors. Thus, under Senate Bill No. 350, seniors would lose their existing tax benefit and those savings would be directed elsewhere. Such a scenario is not acceptable.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 350 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

On motion of Senator Richard, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

conferees on **SS** for **HCS** for **HB 199**, as amended, are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 127**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SB 330**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 45**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SCS** for **SB 248**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 161**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HBs 374** and **434** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS** for **HBs 256, 33** and **305**, as amended, are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended, are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees. Representatives: Burlison, Keeney, Kratkey to work with a like committee from the Senate on **HCS** for **SB 330**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following Conference Committee to act with a like committee from the Senate on **SB 327**, as amended. Representatives: Haahr, Cornejo, and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 45**, as amended. Representatives: Hough, Elmer, and Colona.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 161**, as amended. Representatives: Stream, Richardson, and McNeil.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 127**, as amended. Representatives: Lichtenegger, Barnes, and Kirkton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HA 1** and **HA 2** to **SCS** for **SB 248**. Representatives: Fraker, Crawford, and Kratky.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 127**, as amended: Senators Sater, Wasson, Romine, Holsman and Sifton.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 161**, as amended: Senators Pearce, Rupp, Wallingford, Curls and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 248**, as amended: Senators Wasson, Dixon, Cunningham, Justus and McKenna.

President Pro Tem Dempsey reappointed the following conference committee to act with a like committee from the House on **HCS** for **SB 330**, as amended: Senators Wasson, Cunningham, Sater, Keaveny and Sifton.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HB 653**, with **SCS**; **HCS** for **HB 986**, with **SCS**; and **HCS** for **HB 343**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Keaveny moved that **SB 99**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 99**, as amended, was taken up.

Senator Keaveny moved that **HCS** for **SB 99**, as amended, be adopted, which motion prevailed by the

following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Kraus Nieves—2

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Keaveny, **HCS for SB 99**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Kraus Nieves—2

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Nieves—1

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Silvey moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 256**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Kehoe moved that **SS No. 2** for **SCS** for **SJR 16**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS No. 2** for **SCS** for **SJR 16**, as amended, was taken up.

Senator Kehoe moved that **HCS** for **SS No. 2** for **SCS** for **SJR 16**, as amended, be adopted.

Senator Lager assumed the Chair.

Senator Kraus assumed the Chair.

Senator Nieves assumed the Chair.

At the request of Senator Kehoe, his motion to adopt **HCS** for **SS No. 2** for **SCS** for **SJR 16**, as amended, was withdrawn, which placed the joint resolution back on the calendar.

Senator Rupp, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, with House Amendment Nos. 1, 2, 3, 4, 5, 6, and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Scott T. Rupp
 /s/ Mike Cunningham
 /s/ Michael L. Parson
 /s/ Scott Sifton
 /s/ Gina Walsh

FOR THE HOUSE:

/s/ Todd Richardson
 /s/ Bill Lant
 Stephen Webber

Senator Rupp moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Kraus—1

Absent—Senator Sater—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **CCS** for **HCS** for **SS No. 2** for **SCS** for **SB 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE NO. 2 FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 1

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.150, 287.200, 287.210, 287.220, 287.280, 287.610, 287.715, 287.745, and 287.955, RSMo, and to enact in lieu thereof fourteen new sections relating to workers' compensation, with an existing penalty provision and an effective date.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senator Kraus—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, the Physician of the Day, Dr. Ann Romaker, Kansas City.

On motion of Senator Richard the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 15, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

SB 350-Dempsey

HOUSE BILLS ON SECOND READING

HCS#2 for HJR 14

HCS for HB 727

HCS for HB 717

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager)
(In Fiscal Oversight)

2. HCS for HB 215, with SCS (Dixon)
(In Fiscal Oversight)

- | | |
|--|--|
| 3. HCS for HJR 5 & 12, with SCS (Kraus)
(In Fiscal Oversight) | 10. HCS for HB 505, with SCS (Dixon) |
| 4. HCS for HBs 48 & 216 (Kraus)
(In Fiscal Oversight) | 11. HCS for HB 161, with SCS |
| 5. HJR 16-McCaherty, et al, with SCS
(Schaaf) (In Fiscal Oversight) | 12. HB 336-Hinson, et al (Silvey) |
| 6. HCS for HB 320 (Lager) (In Fiscal Oversight) | 13. HCS for HB 653, with SCS (Pearce)
(In Fiscal Oversight) |
| 7. HCS for HB 114 (Brown)
(In Fiscal Oversight) | 14. HCS for HB 306, with SCA 1 & SCA 2
(Pearce) |
| 8. HCS for HB 349 (Kehoe) | 15. HCS for HB 986, with SCS (Wasson)
(In Fiscal Oversight) |
| 9. HCS for HB 388, with SCS (Parson) | 16. HCS for HB 343, with SCS (Kraus)
(In Fiscal Oversight) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 3-Rupp, with SA 1 (pending) | SB 272-Nieves, with SA 2 (pending) |
| SB 13-Schaefer, with SCS | SB 285-Romine |
| SB 21-Dixon | SB 291-Rupp |
| SB 22-Dixon | SB 292-Rupp |
| SB 30-Brown, with SCS | SB 308-Schaaf |
| SB 48-Lamping | SB 315-Pearce |
| SB 53-Lamping | SB 325-Nieves |
| SB 61-Keaveny, with SCA 1 (pending) | SB 339-Romine |
| SB 65-Dixon, with SCS | SB 343-Parson |
| SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending) | SB 364-Parson |
| SB 82-Schaefer, with SCS | SB 371-Munzlinger, with SCS |
| SB 109-Brown, with SCS | SB 377-Dixon |
| SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending) | SB 383-Wallingford |
| SB 141-Dempsey | SB 396-Holsman and Chappelle-Nadal, with
SCS |
| SB 167-Sater and Wallingford, with SCS | SB 403-Rupp, with SCS |
| SB 174-Parson, with SCS | SB 410-Kehoe |
| SB 175-Wallingford | SB 419-Lager, with SCS |
| SB 207-Kehoe, et al, with SCS | SB 423-Nasheed |
| SB 231-Munzlinger, with SA 1 (pending) | SB 441-Dempsey |
| SB 239-Emery, with SCS & SA 2 (pending) | SB 448-Schmitt and Keaveny |
| SB 250-Schaaf, with SCS | SB 455-Nieves, with SCS |
| SB 259-Schaaf, with SCS | SJR 2-Lager |

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
 HB 55-Flanigan and Allen, with SCS
 (Schaefer)
 HB 85-Kelley (127), et al (Dixon)
 SCS for HB 103-Kelley (127), et al
 (Munzlinger) (In Fiscal Oversight)
 HCS for HB 110, with SCS (Kraus)
 HB 112-Burlison, with SA 2 (pending) (Brown)
 HB 116-Dugger, with SCS, SS for SCS &
 SA 2 (pending) (Dixon)
 HCS for HB 117, with SCS (Wasson)
 HCS for HB 128 (Kraus)
 HCS for HB 134, with SCS (Schmitt)
 HB 142-Dugger, with SCS (Walsh)
 HB 148-Davis, et al, with SCS (Brown)
 HCS for HB 168 (Kraus)
 HCS for HB 175, with SCS (Parson)
 HB 184-Cox, et al (Parson)
 HCS for HB 194 (Parson)
 HB 196-Lauer, et al, with SCS, SA 1 &
 point of order (pending) (Romine)

HB 274-Brattin, et al, with SCS (Brown)
 HB 278-Brattin, et al (Emery)
 HCS for HB 345, with SCS (Lager)
 HB 346-Molendorp (Wasson)
 HCS for HBs 404 & 614, with SCS & SS for
 SCS (pending) (Kehoe)
 HB 409-Love and Remole, with SS
 (pending) (Parson)
 HB 428-Schatz, with SCS (Wasson)
 HB 432-Funderburk, et al, with SCS &
 SA 1 (pending) (Lager)
 HCS for HB 440, with SCS (Munzlinger)
 HB 450-Carpenter, et al, with SCS (Silvey)
 HCS for HB 457, with SCS (Rupp)
 HCS for HBs 593 & 695 (Schaaf)
 HCS for HB 611, with SCS (Kraus)
 HB 625-Burlison, with SCS (Wasson)
 HB 650-Ross, et al, with SCS (Munzlinger)
 HCS for HB 722, with SCS (Lamping)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
 with HCS, as amended
 SB 110-Brown, with HCS, as amended
 SS for SCS for SB 114-Schmitt, with
 HA 1, as amended
 SS for SCS for SB 125-Nasheed, with
 HA 1, as amended

SB 222-Lamping, with HCS, as amended
 SS for SB 252-Kraus, with HCS, as amended
 SCS for SB 302-Wasson, with HA 1, HA 2,
 HA 3 & HA 4
 SS#2 for SCS for SJR 16-Kehoe, with HCS,
 as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS,
 as amended
 (Senate adopted CCR and passed CCS)

SCS for SB 9-Pearce, with HCS, as amended
 SCS for SB 17-Munzlinger and Romine,
 with HCS, as amended

SCS for SB 33-Lamping, with HA 1, HA 2,
HA 3, HA 4, HA 5 & HA 6

SCS for SB 36-Wallingford and Sifton,
with HA 1

(Senate adopted CCR and passed CCS)

SB 41-Munzlinger, with HCS, as amended

SCS for SB 42-Munzlinger, with HCS,
as amended

SB 43-Munzlinger, with HCS, as amended
(Senate adopted CCR and passed CCS)

SCS for SB 45-Dixon, with HCS, as amended

SB 57-Romine, with HCS, as amended

SB 77-Lamping, with HA 1

SB 90-McKenna, with HCS, as amended

SB 127-Sater, with HCS, as amended

SCS for SB 157 & SB 102-Sater, with HCS,
as amended

SB 161-Pearce, with HCS, as amended

SCS for SB 248-Wasson, with HA 1 & HA 2

SS for SB 262-Curls, with HCS, as amended

SB 327-Dixon, with HA 1

SB 330-Wasson, with HCS, as amended
(Further conference granted)

HCS for HB 199, with SS, as amended
(Lamping)

HCS for HBs 256, 33 & 305, with SA 2 &
SA 3 (Kehoe)

HB 307-Riddle, et al, with SS for SCS,
as amended (Schmitt)

HCS#2 for HB 698, with SCS, as amended
(Schmitt)

HCS for HB 1035, with SCS, as amended
(Schmitt)

Requests to Recede or Grant Conference

SCS for SB 256-Silvey, with HCS,
as amended

(Senate requests House recede or
grant conference)

HCS for HBs 374 & 434, with SS for SCS,
as amended (Dixon)

(House requests Senate recede or
grant conference)

RESOLUTIONS

Reported from Committee

HCR 25-Allen (Sifton)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 15, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Come to me all you that are weary and are carrying heavy burdens, and I will give you rest.” (Matthew 11:28)

Merciful and loving God, we hear Your invitation to come to You when we are feeling tired and burdened under the weight of so many bills and so little time; so give to us rest for our minds, bodies and spirits, and we will continue the race we are called to finish. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 51**, entitled:

An Act to repeal sections 301.301, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.022, 304.154, 304.180, 304.184, 304.820, 307.180, and 307.400, RSMo, and to enact in lieu thereof fifteen new sections relating to regulation of motor vehicles, with existing penalty provisions.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 51, Page 21, Section 304.022, Line 68, by inserting after the word “purposes” the following:

“or any other purpose that the department of transportation determines by rule. The department may promulgate rules to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void”; and

Further amend said bill, Pages 21 and 22, Section 304.153, by removing said section from the bill; and

Further amend said bill, Page 23, Section 304.154, Line 37 by inserting after the word “classification” the following: **“or located any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the fourth classification with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants as the county seat”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2**

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 51, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

“34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. The director of the department of revenue shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. No points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.

5. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

[5] 6. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, that

is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[6] **7.** The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For the purposes of this section, “affiliate of the vendor” shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise.

136.055. 1. Any person who is selected or appointed by the state director of revenue as”; and

Further amend said amendment, Page 2, Line 8, by deleting all of said line and inserting in lieu thereof the following:

7. The department shall reimburse reasonable costs incurred associated with the transactions required in a contract license office.

8. Notwithstanding any other provision of law to the contrary, the state auditor may audit all”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section and line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred--[three] **five** dollars [and fifty cents] and [seven] **ten** dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title--[two dollars and fifty cents] **five dollars**;

(3) For each **address change or** instruction permit, nondriver license, chauffeur’s, operator’s or driver’s license issued for a period of three years or less--[two] **five** dollars [and fifty cents] and [five] **ten** dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--[two] **five** dollars [and fifty cents];

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic [telephone] transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive

bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, **and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more

local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all [sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail] **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) **Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from vendors not located in Missouri. The ballot question presented to the local voters shall contain substantially the following language:**

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from vendors not located in Missouri? Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) **If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from vendors not located in Missouri.**

(4) **In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors that were purchased from vendors not located in Missouri may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to such titling. If a majority of the**

votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to such titling. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to such titling, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to such titling. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from vendors located outside of Missouri is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from vendors located outside of Missouri is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010

to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all [sales of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be consummated] **imposed at the rate in effect at the location of the** residence of the purchaser, **and remitted to that local taxing entity** and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes [imposed pursuant to the local sales tax law] **shall not be imposed on the seller** [on the purchase and sale] of motor vehicles, trailers, boats, and outboard motors [shall not be collected and remitted by the seller,] **required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in paragraph (9) hereof,** upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, [including but not limited to] **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection (1) of section 144.020,** a tax equivalent to four percent of the purchase price paid or charged,

or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words “This ticket is subject to a sales tax.”.

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.** Except as otherwise provided, the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their “gross receipts”, defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed to be consummated] **imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors [subject to sales taxes under this chapter] shall be [deemed to be consummated] **imposed at the rate in effect**, unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected **and remitted** on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any** [the sales or use] tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any [sales or use] tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county [sales or use] tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term “boat” includes all motorboats and vessels as the terms “motorboat” and “vessel” are defined in section 306.010.

144.440. 1. [In addition to all other taxes now or hereafter levied and imposed upon every person for

the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.] At the time the owner of any [such] motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.] 2. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

[4.] 3. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.] 4. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a [use] **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A [use] **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.] 5. In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a [use] **sales** tax[,], all of its lease receipts would be subject to the [use] **sales** tax[,], regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.] 6. The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of** section 144.440 shall not apply:

(1) [To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)] To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)] (2) To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)] (3) To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)] (4) To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)] (5) Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)] (6) To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)] (7) To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020 on the titling of** motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and** sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of section [144.440] 144.020** on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] **as dictated by article IV, section 30(b) of the Constitution of Missouri.**

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local [sales and use] taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, **excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020**, purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and

regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales or use] tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the [use] tax provided by [the Missouri use tax law] **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to [use] tax [as provided in the Missouri use tax law] **in this chapter** until the tax levied for the use of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section [144.440] **144.020;**

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.”; and

Further amend said bill, Page 31, Section 307.400, Line 81, by inserting after all of said section the following:

“Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of

sections 32.087 and 144.757, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087 and 144.757, as amended by this act.

Section B. Because of the need to replace local revenues which became unexpectedly unavailable for local governments to provide for local law enforcement, fire protection, emergency personnel, and other vital services and due to the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said section and line, the following:

“302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person’s identity or driving a motor vehicle without the owner’s consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person’s habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled

guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of [subdivisions (9) and (10)] **subdivision (9) or (10)** of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then

the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

[302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while

intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months

immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.]”; and

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
(except any violation of municipal stop sign ordinance where no accident
is involved 1 point)
- (2) Speeding
In violation of a state law 3 points
In violation of a county or municipal ordinance 2 points
- (3) Leaving the scene of an accident in violation of section 577.060 12 points
In violation of any county or municipal ordinance 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of
section 304.016 4 points
In violation of a county or municipal ordinance 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
(a) For the first conviction 2 points
(b) For the second conviction 4 points

- (c) For the third conviction 6 points
- (6) Operating with a suspended or revoked license prior
to restoration of operating privileges 12 points
- (7) Obtaining a license by misrepresentation 12 points
- (8) For the first conviction of driving while in an intoxicated condition or under the influence of
controlled substances or drugs 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined: driving
while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving
with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points
- (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or
more by weight
In violation of state law 8 points
In violation of a county or municipal ordinance or federal law or regulation 8 points
- (11) Any felony involving the use of a motor vehicle 12 points
- (12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points
- (13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal
ordinance or pursuant to section 303.025 4 points
- (14) Endangerment of a highway worker in violation of section 304.585 4 points
- (15) Aggravated endangerment of a highway worker in violation of
section 304.585 12 points
- (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping
at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene
by a party involved in such accident or by an officer of a public safety agency 4 points
2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator
points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the
director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.
3. An additional two points shall be assessed when personal injury or property damage results from any
violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and
certified by the reporting court.
4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes
both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed
for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence
could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no
person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of
subsection 1 of this section for offenses arising out of the same occurrence.
5. The director of revenue shall put into effect a system for staying the assessment of points against an
operator. The system shall provide that the satisfactory completion of a driver-improvement program or,

in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. **The operator shall be given the option to complete the driver-improvement program through an online or in-person course.** A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day]. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of restricted driving privilege [without any such violations].

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the

provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision [(22)] **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a

person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a [violation under subdivision (9) of subsection 1 of section 302.302] **conviction for an intoxication-related traffic offense as defined under section 577.023, and who has a prior alcohol-related enforcement contact as defined under section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

[302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver

examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall

name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.]"; and

“[302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person’s reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator’s principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant’s driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under

paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person

has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or the director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding three years, the court or the director shall not grant a limited driving privilege to the applicant.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding two years, the court or the director shall not grant a limited driving privilege to the applicant. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving

privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. Any person who petitions a court or makes application with the director for a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of subsection 3 of this section shall make application with the Missouri state highway patrol as provided in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for limited driving privileges. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

6. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.]

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, **except as provided under subdivision (8) of this subsection.** Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator[;],

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the

court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege [who] **whose license** at the time of application [for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license] has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of **subsection 1 of** section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for [the first time for] failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, [if] **unless** such person has [not] completed the first ninety days of such revocation[;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state] **and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege;**

[(g)] (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

[(h)] (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance

of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of **subsection 1 of section 302.060**, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of **subsection 1 of section 302.060**, to apply for a limited driving privilege pursuant to this subsection [if such person has served at least forty-five days of such disqualification or revocation]. Such person shall present evidence satisfactory to the court or the director that such [person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the] person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.”; and

Further amend said bill, Page 3, Section 302.341, Line 46, by inserting after all of said section and line, the following:

“302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person’s driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle [operated] **that he or she operates** is equipped with a functioning, certified ignition interlock device, [then the] **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five day]. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, [upon] compliance with other requirements of law, and [upon] filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period of restricted driving privilege [without any such violations]. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted

driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

[302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.]; and

Further amend said bill, Page 31, Section 307.400, Line 81, by inserting after all of said section and line, the following:

"476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid

for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the central violations bureau, shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. By paying the fine and costs, the person also consents to attendance **either online or in person** at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the

commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665; and may be subject to suspension of driving privileges in the manner provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.”; and

“577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person’s license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall

take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession. 3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision [(23)] (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled

in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked [more than once for violation of the provisions of this section] **under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.”; and

“Section B. Because immediate action is necessary to ensure the safety of the citizens of this state, the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs.

Section C. The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525, 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall become effective on

March 3, 2014.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 51, Page 31, Section 307.400, Line 81, by inserting after all of said line the following:

“Section 1. Notwithstanding any other provisions of law to the contrary, the license of a trailer, as defined in section 301.010, shall be permanent until the owner of the trailer sells, trades, or disposes of the trailer. After the initial registration and licensing of the trailer, no annual registration shall be required and no annual fee shall be charged.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section and line the following:

“301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term “trade-in motor vehicle or trailer” shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying

commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. Notwithstanding the provisions of section 301.127, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.

11. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with

and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

[11.] **12.** The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

[301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term “trade-in motor vehicle or trailer” shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for

registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5. The temporary permit shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary permits available to registered dealers in this state or authorized agents of the department of revenue in sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

6. The permit shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit.

7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary permit shall keep, for inspection of proper officers, a correct record of each permit issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's vehicle identification number on which the permit is to be used, and the date of issuance.

8. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

9. An additional temporary license plate produced in a manner and of materials determined by

the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 5 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 5 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 51, Page 1, Section A, Line 11, by inserting after all of said section and line, the following:

“64.196. **1.** After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance adopted under this section shall conflict with liquefied petroleum gas installations regulations established under section 323.020.”; and

“135.710. **1.** As used in this section, the following terms mean:

(1) “Alternative fuels”, any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;
- (b) Natural gas;
- (c) Compressed natural gas, **or CNG**;
- (d) Liquefied natural gas, **or LNG**;
- (e) Liquefied petroleum gas, **LP gas, propane, or autogas**;
- (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

(g) Hydrogen;

(2) “Department”, the department of natural resources;

(3) “Eligible applicant”, a business entity that is the owner of a qualified alternative fuel vehicle refueling property **or makes more than twenty-five qualified conversions in a one-year period;**

(4) **“Motor vehicle”, any automobile, truck, truck-tractor, or any motor bus or self propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:**

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds; or

(b) A vehicle solely operated on rails;

(5) “Qualified alternative fuel vehicle refueling property”, property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens which, if constructed after August 28, 2008, was constructed with at least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

(a) Fabrication of premanufactured equipment or process piping used in the construction of such facility;

(b) Construction of such facility; and

(c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply;

[(5)] (6) “Qualified conversion”, the conversion of a motor vehicle fueled solely by petroleum-based fuels to a motor vehicle which incorporates an alternative fuel listed under subdivision (1) of this subsection as either the primary or secondary source. The converted vehicle must operate using an alternative fuel decal under subsection 1 of section 142.869, if applicable. Installations which inject fuel additives are not considered qualified conversions;

(7) “Qualified Missouri contractor”, a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years.

2. For all tax years beginning on or after January 1, [2009] **2014**, but before January 1, [2012] **2017**, any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the refueling property. The credit allowed in this [section] **subsection** per eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling property, which shall not include the following:

(1) Costs associated with the purchase of land upon which to place a qualified alternative fuel vehicle refueling property;

(2) Costs associated with the purchase of an existing qualified alternative fuel vehicle refueling property;

or

(3) Costs for the construction or purchase of any structure.

3. Tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing facilities were placed in service at a qualified alternative fuel vehicle refueling property, and shall be applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section shall not exceed [the following amounts:

(1) In taxable year 2009, three million dollars;

(2) In taxable year 2010, two million dollars; and

(3) In taxable year 2011,] one million dollars **per year**.

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. An alternative fuel vehicle refueling property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the alternative fuel vehicle refueling property ceased to sell alternative fuel and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

7. Any eligible applicant desiring to claim a tax credit under this section shall submit the appropriate application for such credit with the department. The application for a tax credit under this section shall include any information required by the department. The department shall review the applications and certify to the department of revenue each eligible applicant that qualifies for the tax credit.

8. The department and the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid

and void.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, [2008] **2013**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

“137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Grain and other agricultural crops in an unmanufactured condition” shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term “processing” shall not include hulling, cleaning, drying, grating, or polishing;

(2) “Hydroelectric power generating equipment”, very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) “Intangible personal property”, for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for **generation, transportation or storage** of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, **propane or LP gas, solar or wind power equipment**, water, and sewage;

(5) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.”; and

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reverter of the property within the limitation period for reverters;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;

(10) Equipment or property with a retail value of fifty thousand dollars or less required for the use, transmission, generation or storage of alternative or renewable energy as used in an eligible alternative energy operation as defined under section 30.750 or alternative fuels as defined under

section 135.710 and section 414.400, used either for fleet, transportation, power generation, heat or other such application. Said equipment shall be exempt from the assessment of any state, county or local property taxes for such time as the equipment, property or installation is in working order.”; and

“142.800. As used in this chapter, the following words, terms and phrases have the meanings given:

(1) **“Additive”, a substance designed to increase engine power or performance introduced by injection or other means into a fuel system but which is not capable of propelling the vehicle without the primary fuel. Use of additives fuels does not require compliance with subsection 1 of section 142.869;**

(2) **“Agricultural purposes”,** clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same; operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;

[(2)] (3) **“Alternative fuel”,** electricity, liquefied petroleum gas (LPG [or], LP gas, **propane or autogas**), compressed natural gas product (**CNG, liquified natural gas or LNG**), or a combination of liquefied petroleum gas and a compressed natural gas or electricity product used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas;

[(3)] (4) **“Aviation fuel”,** any motor fuel specifically compounded for use in reciprocating aircraft engines;

[(4)] (5) **“Blend stock”,** any petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products presently defined by the Internal Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended. However, the term does not include any substance that:

(a) Will be ultimately used for consumer nonmotor fuel use; and

(b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the removal or sale;

[(5)] (6) **“Blended fuel”,** a mixture composed of motor fuel and another liquid including blend stock, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

[(6)] (7) **“Blender”,** any person that produces blended motor fuel outside the bulk transfer/terminal system;

[(7)] (8) **“Blending”,** the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases;

[(8)] (9) **“Bulk plant”,** a bulk motor fuel storage and distribution facility that is not a terminal within the

bulk transfer system and from which motor fuel may be removed by truck;

[(9)] (10) “Bulk transfer”, any transfer of motor fuel from one location to another by pipeline tender or marine delivery within the bulk transfer/terminal system;

[(10)] (11) “Bulk transfer/terminal system”, the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

[(11)] (12) “Consumer”, the user of the motor fuel;

[(12)] (13) “Delivery”, the placing of motor fuel or any liquid into the fuel tank of a motor vehicle or bulk storage facility;

[(13)] (14) “Department”, the department of revenue;

[(14)] (15) “Destination state”, the state, territory, or foreign country to which motor fuel is directed for delivery into a storage facility, a receptacle, a container, or a type of transportation equipment for the purpose of resale or use;

[(15)] (16) “Diesel fuel”, any liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. “Diesel fuel” does not include jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel and remit taxes on its sale or use to the Internal Revenue Service. “Diesel fuel” does not include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;

[(16)] (17) “Diesel-powered highway vehicle”, a motor vehicle operated on a highway that is propelled by a diesel-powered engine;

[(17)] (18) “Director”, the director of revenue;

[(18)] (19) “Distributor”, a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

[(19)] (20) “Dyed fuel”, diesel fuel or kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

[(20)] (21) “Eligible purchaser”, a distributor who has been authorized by the director to purchase motor fuel on a tax-deferred basis;

[(21)] (22) “Export”, to obtain motor fuel in this state for sale or other distribution outside of this state. In applying this definition, motor fuel delivered out of state by or for the seller constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser constitutes an export by the purchaser;

[(22)] (23) “Exporter”, any person, other than a supplier, who purchases motor fuel in this state for the purpose of transporting or delivering the fuel outside of this state;

[(23)] **(24)** “Farm tractor”, all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this state;

[(24)] **(25)** “Fuel grade alcohol”, a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from such alcohol for blending with motor fuel;

[(25)] **(26)** “Fuel transportation vehicle”, any vehicle designed for highway use which is also designed or used to transport motor fuels and includes transport trucks and tank wagons;

[(26)] **(27)** “Gasoline”, all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an American Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined by the motor method;

[(27)] **(28)** “Gross gallons”, the total measured motor fuel, exclusive of any temperature or pressure adjustments, in U.S. gallons;

[(28)] **(29)** “Heating oil”, a motor fuel that is burned in a boiler, furnace, or stove for heating or industrial processing purposes;

[(29)] **(30)** “Import”, to bring motor fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel delivered into this state from out-of-state by or for the purchaser constitutes an import by the purchaser;

[(30)] **(31)** “Import verification number”, the number assigned by the director with respect to a single transport truck delivery into this state from another state upon request for an assigned number by an importer or the transporter carrying motor fuel into this state for the account of an importer;

[(31)] **(32)** “Importer” includes any person who is the importer of record, pursuant to federal customs law, with respect to motor fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of motor fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is the importer;

[(32)] **(33)** “Interstate motor fuel user”, any person who operates a motor fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this state into another state or from another state into this state;

[(33)] **(34)** “Invoiced gallons”, the gallons actually billed on an invoice for payment to a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

[(34)] **(35)** “K-1 kerosene”, a petroleum product having an A.P.I. gravity of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

[(35)] **(36)** “Kerosene”, the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

[(36)] **(37)** “Liquid”, any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure

of fourteen and seven-tenths pounds per square inch absolute;

[(37)] **(38)** “Motor fuel”, gasoline, diesel fuel, kerosene and blended fuel;

[(38)] **(39)** “Motor vehicle”, any automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds, or

(b) A vehicle solely operated on rails;

[(39)] **(40)** “Net gallons”, the motor fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute (psi);

[(40)] **(41)** “Permissive supplier”, an out-of-state supplier that elects, but is not required, to have a supplier’s license pursuant to this chapter;

[(41)] **(42)** “Person”, natural persons, individuals, partnerships, firms, associations, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, federally recognized Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

[(42)] **(43)** “Position holder”, the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

[(43)] **(44)** “Propel”, the operation of a motor vehicle, whether it is in motion or at rest;

[(44)] **(45)** “Public highway”, every road, toll road, highway, street, way or place generally open to the use of the public as a matter of right for the purposes of vehicular travel, including streets and alleys of any town or city notwithstanding that the same may be temporarily closed for construction, reconstruction, maintenance or repair;

[(45)] **(46)** “Qualified terminal”, a terminal which has been assigned a terminal control number (“tcn”) by the Internal Revenue Service;

[(46)] **(47)** “Rack”, a mechanism for delivering motor fuel from a refinery or terminal into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk transfer/terminal system;

[(47)] **(48)** “Refiner”, any person that owns, operates, or otherwise controls a refinery;

[(48)] **(49)** “Refinery”, a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by boat or barge, or at a rack;

[(49)] **(50)** “Removal”, any physical transfer of motor fuel from a terminal, manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;

[(50)] **(51)** “Retailer”, a person that engages in the business of selling or dispensing to the consumer within this state;

[(51)] **(52)** “Supplier”, a person that is:

(a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

(b) One or more of the following:

a. The position holder in a terminal or refinery in this state;

b. Imports motor fuel into this state from a foreign country;

c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. “Supplier” also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. “Supplier” includes a permissive supplier unless specifically provided otherwise;

[(52)] (53) “Tank wagon”, a straight truck having multiple compartments designed or used to carry motor fuel;

[(53)] (54) “Terminal”, a bulk storage and distribution facility which includes:

(a) For the purposes of motor fuel, is a qualified terminal;

(b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack;

[(54)] (55) “Terminal bulk transfers” include but are not limited to the following:

(a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;

(b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;

(c) Book transfers of product within a terminal between suppliers prior to completion of removal across the rack; and

(d) Two-party exchanges or buy-sell supply arrangements within a terminal between licensed suppliers;

[(55)] (56) “Terminal operator”, any person that owns, operates, or otherwise controls a terminal. A terminal operator may own the motor fuel that is transferred through or stored in the terminal;

[(56)] (57) “Transmix”, the buffer or interface between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;

[(57)] (58) “Transport truck”, a semitrailer combination rig designed or used to transport motor fuel over the highways;

[(58)] (59) “Transporter”, any operator of a pipeline, barge, railroad or transport truck engaged in the business of transporting motor fuels;

[(59)] (60) “Two-party exchange”, a transaction in which the motor fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier and:

(a) Which transaction includes a transfer from the person that holds the original inventory position for motor fuel in the terminal as reflected on the records of the terminal operator; and

(b) The exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner. However, in any event, the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this state;

[(60)] **(61)** “Ultimate vendor”, a person that sells motor fuel to the consumer;

[(61)] **(62)** “Undyed diesel fuel”, diesel fuel that is not subject to the United States Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with Internal Revenue Service fuel dyeing provisions; and

[(62)] **(63)** “Vehicle fuel tank”, any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the motor vehicle.”; and

“142.869. 1. The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall [not] **also** apply to motor vehicles registered outside this state which are powered by alternative fuel[, and for which a valid temporary alternative fuel decal has been acquired as provided in this section].

(1) The owners or operators of such motor vehicles [shall] **may**, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of [eight] **twelve** dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable.

(2) The fuel provider will remit all road tax collected from non-state residents each quarter using a form authorized by the department.

(a) [All] **Eighty percent of the** proceeds from such decal fees **or collections of non-state road tax** shall be deposited as specified in section 142.345.

(b) **Twenty percent of the proceeds from such decal sales or collections of non-state road tax shall be deposited into the Missouri alternative fuel infrastructure tax credit fund under the direction of the department of natural resources.**

(c) Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain [fifty cents] **two dollars** for each decal fee timely remitted to the director.

3. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year.

4. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

5. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the [LP gas or natural gas equipment] **alternative fuel system** is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

6. It shall be unlawful for any [person] **Missouri resident** to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal. 7. No person shall cause to be put, or put, **electricity**, LP gas or natural gas into the fuel supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle has a valid decal attached to it.

(1) Qualified conversion sellers as defined by subdivision (6) of subsection 1 of section 135.710 or the sellers of vehicles sold with alternative fuel systems in place shall not be required to obtain alternative fuel decals during the installation of qualified conversions for motor fuel vehicles or the sale of such vehicles. Such conversion sellers or vehicle dealers or their fuel suppliers may elect to fuel such motor fuel vehicles during the conversion or sales process and remit the applicable road tax under this section.

(2) Sales of [fuel] all alternative fuels placed in the supply receptacle of a motor vehicle [displaying such decal] shall be recorded upon an invoice, which invoice shall include the decal number, **if applicable**, the motor vehicle license number and the number of gallons placed in such supply receptacle. **Such invoices shall be kept by the seller for a period of two years.**

(3) Sales of all vehicles propelled by alternative fuels, whether through qualified conversion or equipped by the original manufacturer shall be reported to the department annually.

8. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

9. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 51, Page 31, Section 307.400, Line 81 by inserting after said line the following:

“Section 1. Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts and other government agencies whose originating agency identifier was terminated by the federal bureau of investigations shall provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format on line in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said line the following:

“301.449. **1.** Only a community college or four-year public or private institution of higher education, or a foundation or organization representing the college or institution, located in the state of Missouri may itself authorize or may by the director of revenue be authorized to use the school’s official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Any contribution to such institution derived from this section, except reasonable administrative costs, shall be used for scholarship endowment or other academically related purposes. Any vehicle owner may annually apply to the institution for the use of the emblem. Upon annual application and payment of an emblem-use contribution to the institution, which shall be set by the governing body of the institution at an amount of at least twenty-five dollars, the institution shall issue to the vehicle owner, without further charge, an “emblem-use authorization statement”, which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the institution, to the vehicle owner.

3. The license plate authorized by this section shall use the school colors of the institution, and those colors shall be constructed upon the license plate using a process to ensure that the school emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The license plate authorized by this section shall be issued with a design approved by both the institution of higher education and the advisory committee established in section 301.129.

4. A vehicle owner, who was previously issued a plate with an institutional emblem authorized by this section and does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the institutional emblem, as otherwise provided by law.

5. Notwithstanding the provisions of subsection 1 of this section or subsection 1 of section 301.3150, any community college or four-year public or private institution of higher education, or any foundation or organization representing the college or institution, located outside of the state of Missouri, which has authorized the use of its official emblem to be affixed on multiyear personalized license plates and has had its application for a specialty license plate approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012, may continue to authorize the use of its official emblem on such plates. Nothing in subsection 1 of this section shall be construed to prohibit the manufacture or renewal of multiyear personalized license plates bearing out-of-state university, college, or institution of private learning official emblems if such license plates were approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012.

6. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms including establishing a minimum number of license plates which can be issued with the authorized emblem of a participating institution.”; and

Further amend said bill, Page 31, Section 307.400, Line 81, by inserting after all of said line the following:

“Section B. Because of the need to ensure that motorists who were issued valid special license plates are legally registered within the state of Missouri and because of the need to avoid unnecessary administrative license plate recalls, the repeal and reenactment of section 301.449 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 301.449 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said line the following:

“301.3172. 1. Any woman who currently serves in any branch of the United States Armed Forces or who was honorably discharged from such service may apply for special motor vehicle license plates for any vehicle she owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight.

2. Any woman shall apply for the special license plates on a form provided by the director of revenue and furnish such proof of military service as the director may require.

3. Upon presentation of such proof of military service, payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words “WOMAN VETERAN” at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the

personalization of license plates issued under this section.

5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for a vehicle owned solely or jointly by such person.

6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

7. The director shall consult with the Missouri Veterans Commission when determining or designing the image which shall be placed on the plate authorized under this section.

8. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 51, Page 21, Section 304.022, Line 69, by inserting after said line the following:

“304.152. 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. The provisions of this section shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 51, Page 19, Section 302.755, Line 78, by inserting after said line the following:

“302.767. Notwithstanding sections 302.700, 302.720, 302.735, 302.740, 302.755 to the contrary, the department of revenue shall have until July 8, 2015, to comply with the provisions of 49 CFR 383, 384, and 385 pertaining to the commercial driver's license testing and commercial learner's permit standards rule issued by the federal motor carrier safety administration.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said section and line the following:

“302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person’s control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to exceed three hundred dollars, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

302.132. 1. Any person at least fifteen and one-half years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may apply, with the written consent of the parent or guardian of such person, for a temporary motorcycle instruction permit to operate

a motorcycle or motortricycle.

2. The director shall issue a temporary motorcycle instruction permit under this section if the applicant has completed a motorcycle rider training course approved under sections 302.133 to 302.138 and is otherwise eligible for the temporary permit. **An applicant issued a temporary motorcycle instruction permit under this section may renew such permit two additional times, for a total maximum permit period of eighteen months.**

3. A person receiving a temporary motorcycle permit and having it in his **or her** immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of six months upon the highways of the state, and persons under the age of sixteen shall be subject to the following restrictions:

(1) The motorcycle or motortricycle may not have an engine with a displacement of greater than two hundred fifty cubic centimeters;

(2) The operator shall not travel at any time from a half-hour after sunset to a half-hour before sunrise;

(3) The operator shall not carry any passengers; and

(4) The operator shall not travel over fifty miles from the operator's home address.""; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 51, Page 2, Section 301.301, Line 8, by inserting after all of said section and line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- | | |
|--|-----------|
| (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 | 2 points |
| (except any violation of municipal stop sign ordinance where no accident is involved | 1 point) |
| (2) Speeding | |
| In violation of a state law | 3 points |
| In violation of a county or municipal ordinance | 2 points |
| (3) Leaving the scene of an accident in violation of section 577.060 | 12 points |

In violation of any county or municipal ordinance	6 points
(4) Careless and imprudent driving in violation of subsection 4 of section 304.016	4 points
In violation of a county or municipal ordinance	2 points
(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:	
(a) For the first conviction	2 points
(b) For the second conviction	4 points
(c) For the third conviction	6 points
(6) Operating with a suspended or revoked license prior to restoration of operating privileges	12 points
(7) Obtaining a license by misrepresentation	12 points
(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs	8 points
(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight	12 points
(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight In violation of state law	8 points

In violation of a county or municipal ordinance or federal law or regulation	8 points
(11) Any felony involving the use of a motor vehicle	12 points
(12) Knowingly permitting unlicensed operator to operate a motor vehicle	4 points
(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025	4 points
(14) Endangerment of a highway worker in violation of section 304.585	4 points
(15) Aggravated endangerment of a highway worker in violation of section 304.585	12 points
(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency	4 points
(17) Endangerment of an emergency responder in violation of section 304.894	4 points
(18) Aggravated endangerment of an emergency responder in violation of section 304.894	12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes

both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill, Section 304.820, Page 29, Line 59, by inserting after all of said section and line the following:

"304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first

responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term “moving violation” is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument;

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or

(7) Committing any of the following offenses for which points may be assessed under section 302.302:

(a) Leaving the scene of an accident in violation of section 577.060;

- (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**
- (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;**
- (d) Operating with a suspended or revoked license;**
- (e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;**
- (f) Any felony involving the use of a motor vehicle.**

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license under section 302.302.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license under section 302.302.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 51, Page 27, Section 304.180, Line 139, by inserting immediately after said line the following:

“11. Notwithstanding any provision of this section or any other law to the contrary, the department of transportation shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The department of transportation shall promulgate all necessary

rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 51, Page 31, Section 307.400, Line 81, by inserting after said line the following:

“Section 1. The portion of interstate highway 70 in Montgomery County between mile marker 165.0 and 166.0 shall be designated the “Graham’s Picnic Rock Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway. The signs shall not be erected until the next lane widening or pavement replacement project within that portion of the highway.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 45**, as amended: Senators Dixon, Schmitt, Schaefer, Justus and Keaveny.

HOUSE BILLS ON SECOND READING

The following Joint Resolution and Bills were read the 2nd time and referred to the Committees indicated:

HCS No. 2 for **HJR 14**—Appropriations.

HCS for **HB 717**—Seniors, Families and Pensions.

HCS for **HB 727**—Seniors, Families and Pensions.

PRIVILEGED MOTIONS

Senator Dixon moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended: Senators Dixon, Schmitt, Emery, Justus and Keaveny.

PRIVILEGED MOTIONS

Senator Nasheed moved that **SS** for **SCS** for **SB 125**, with **HA 1**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1, as amended, was taken up.

Senator Lager assumed the Chair.

Senator Nieves assumed the Chair.

Senator Nasheed moved that **HA 1**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—32

NAYS—Senator Walsh—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Nasheed, **SS** for **SCS** for **SB 125**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—32

NAYS—Senator Walsh—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wasson, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 330**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 330

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 330, with House Amendment Nos. 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 330, as amended;
2. That the Senate recede from its position on Senate Bill No. 330;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 330 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jay Wasson
/s/ Mike Cunningham
/s/ David Sater
/s/ Joseph P. Keaveny
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Eric Burlison
/s/ Shelley Keeney
/s/ Michele Kratky

Senator Wasson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Schaefer Schmitt—2

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Wasson, **CCS No. 2** for **HCS for SB 330**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 330

An Act to repeal sections 331.100, 332.093, 334.104, 346.050, 346.055, 346.085, and 453.070, RSMo, and to enact in lieu thereof six new sections relating to professional licenses.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Schaefer Schmitt—2

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Kehoe moved that the Senate conferees on **HCS** for **HBs 256, 33** and **305**, as amended, be allowed to exceed the differences, which motion prevailed.

Senator Lamping, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 33**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 33

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 33, with House Amendment Nos. 1, 2, 3, 4, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 33, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 33;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 33, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Lamping

/s/ David Sater

/s/ Rob Schaaf

/s/ Maria Chappelle-Nadal

Paul LeVota

FOR THE HOUSE:

/s/ Jeff Grisamore

/s/ Jim Neely

/s/ Stacey Newman

Senator Lamping moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Curls—1

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Lamping, **CCS** for **SCS** for **SB 33**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 33**

An Act to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof four new sections relating to individuals with mental disabilities.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SB 51**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Brown moved that **SB 110**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 110**, as amended, was taken up.

Senator Brown moved that **HCS** for **SB 110**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Brown, **HCS** for **SB 110**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kraus moved that **SS** for **SB 252**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 252**, as amended, was taken up.

Senator Kraus moved that **HCS** for **SS** for **SB 252**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Chappelle-Nadal	Justus	Keaveny	McKenna	Nasheed	Sifton	Walsh—7	
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Kraus, **HCS** for **SS** for **SB 252**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh
Wasson—25							

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton—8
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus	Kehoe
Kraus	Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford

Wasson—25

NAYS—Senators

Chappelle-Nadal	Curls	Keaveny	LeVota	Sifton	Walsh—6
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Absent—Senators

McKenna	Nasheed—2
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Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schmitt moved that the Senate refuse to concur in **HA 1**, as amended, for **SS** for **SCS** for **SB 114** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, Senator Parson submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 429**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 30**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 675**, begs leave to

report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 76**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 28**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 733**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 813**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nieves, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 632**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 634**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1.

SENATE AMENDMENT NO. 1

Amend House Bill No. 634, Page 1, In the Title, Line 2 of the title, by striking “the designation of”; and further amend line 3 of the title, by striking said line and inserting in lieu thereof the following: “state designations.”; and

Further amend said bill, Page 1, Section 9.169, Line 8, by inserting after all of said line the following:

“9.179. March twenty-seventh of each year shall be designated as “Medical Radiation Safety Awareness Day” in Missouri. The citizens of this state and our health care professionals’ community are encouraged to observe the day with activities designed to educate and enhance the awareness of not only the benefits of radiographic medical procedures, but the potential dangers of overexposure to radiation during diagnostic imaging and radiation therapy as well in order to reduce the frequency of adverse events and allow our citizens to make informed decisions about their medical care.”; and

Further amend the title and enacting clause accordingly.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 513**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 42**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 808**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 301**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 373** and **435**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HJR 16**, with **SCS**; **HCS** for **HB 320**; **SCS** for **HB 103**; **HCS** for **HB 343**, with **SCS**; **HCS** for **HB 986**, with **SCS**; and **HCS** for **HB 215**, with **SCS**, begs leave to report that it has considered the same

and recommends that the bills do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HCS** for **HB 257**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HB 702**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HJR 8**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HB 715**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HCS** for **HB 312**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HB 442**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HCS** for **HB 252**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Richard, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended. Representatives: Elmer, Cox, and Colona.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 381**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 73**, entitled:

An Act to repeal section 478.007, RSMo, and to enact in lieu thereof two new sections relating to judicial procedures.

With House Amendment No. 1 and 2, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said line the following;

“478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the “Veterans Treatment Intervention Act”.

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) “Servicemember”, any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) “Veteran”, any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a “Military Veterans and Servicemembers Court Program” under which veterans and servicemembers who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court’s assessment of the defendant’s criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant’s agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans’ treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court’s own motion, except:

(1) If a defendant was previously offered admission to a veterans’ treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the

defendant's admission to such a program;

(2) If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the veterans' treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver's license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state's failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans' treatment intervention program under sections 478.1100 to 478.1120:

- (1) Murder or manslaughter under chapter 565;
- (2) Kidnapping or false imprisonment under chapter 565;
- (3) Aggravated assault under chapter 565;
- (4) Stalking under chapter 565;
- (5) Elder abuse under chapter 565;
- (6) Sexual offenses under chapter 566;
- (7) Offenses against the family under chapter 568;
- (8) Robbery or burglary under chapter 569;
- (9) Arson under chapter 569;
- (10) Water contamination under chapter 569;
- (11) Child pornography under chapter 573;
- (12) Treason; and

(13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

(2) The treatment program shall include:

- (a) Integrate alcohol and other drug treatment services with justice system case processing;**
- (b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;**
- (c) Eligible participants are identified early and promptly placed in the treatment program;**
- (d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;**
- (e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;**
- (f) A coordinated strategy governs treatment program responses to participants' compliance;**
- (g) Ongoing judicial interaction with each treatment program participant is essential;**
- (h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;**
- (i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;**
- (j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.**

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed

service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

- (1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;
- (2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;
- (3) Staffing levels;
- (4) The number of face-to-face contacts with the offender;
- (5) Procedures for handling the collection of all offender fees and restitution;
- (6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
- (7) Circumstances under which revocation of an offender's probation may be recommended;
- (8) Reporting and record-keeping requirements;
- (9) Default and contract termination procedures;
- (10) Procedures that aid offenders with job assistance; and
- (11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition

requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said section and line the following:

“488.2250. [For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court] **1. For all appeal transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.**

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production who shall reimburse the court reporter the sum provided

in subsection 1 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 73, Page 1, Line 30, by inserting after all of said line the following:

“Further amend said bill, Page 2, Section 478.007, Line 23, by inserting after all of said section and line the following:

“302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person’s control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to exceed three hundred dollars, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.”; and

Further amend said bill, section 304.152, Page 2, Lines 5-7, by removing all of said lines; and
Renumber remaining subsection accordingly; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said section and line the following:

“307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. **A motorcycle may be equipped with a means of varying the brightness of the vehicle’s brake light for a duration of not more than five seconds upon application of the vehicle’s brakes.**

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 118**, entitled:

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 184, introduced by Representative Cox, et al, entitled:

An Act to repeal section 67.1010, RSMo, and to enact in lieu thereof one new section relating to the Pettis county transient guest tax.

Was called from the Informal Calendar and taken up by Senator Parson.

Senator Parson offered **SS** for **HB 184**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 184

An Act to repeal sections 32.087, 67.1010, 135.960, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, RSMo, and to enact in lieu thereof twenty new sections relating to taxation, with an emergency clause for certain sections.

Senator Parson moved that **SS** for **HB 184** be adopted, which motion prevailed.

Senator Parson moved that **SS** for **HB 184** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Dempsey referred **SS** for **HB 184** to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HB 30**; **HCS** for **HB 222**, with **SCS**; **HCS** for **HB 813**; and **HJR 8** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for **HB 611**, with **SCS**, entitled:

An Act to repeal sections 285.300, 288.100, and 288.380, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Kraus.

SCS for **HCS** for **HB 611**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 611

An Act to repeal sections 285.300, 285.515, 288.030, 288.050, 288.100, and 288.380, RSMo, and to enact in lieu thereof six new sections relating to employment, with penalty provisions.

Was taken up.

Senator Kraus moved that **SCS** for **HCS** for **HB 611** be adopted.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 611, Pages 2-3, Section 285.515, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Pearce offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 611, Page 7, Section 288.030, Line 166, by inserting immediately after said line the following:

“288.040. 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) The claimant has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) The claimant is able to work and is available for work. No person shall be deemed available for work unless such person has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. No person shall be considered not available for work, pursuant to this subdivision, solely because he or she is a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible pursuant to this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; however, upon application of the employer responsible for the claimant’s unemployment, such eight-week period may be extended not to exceed a total of sixteen weeks at the discretion of the director;

(3) The claimant has reported [in person] to an office of the division as directed by the deputy, but at least once every four weeks, except that a claimant shall be exempted from the reporting requirement of this subdivision if:

(a) The claimant is claiming benefits in accordance with division regulations dealing with partial or temporary total unemployment; or

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; or

(c) [The claimant resides in a county with an unemployment rate, as published by the division, of ten percent or more and in which the county seat is more than forty miles from the nearest division office;

(d)] The director of the division of employment security has determined that the claimant belongs to a group or class of workers whose opportunities for reemployment will not be enhanced by reporting [in person], or is prevented from reporting due to emergency conditions that limit access by the general public

to an office that serves the area where the claimant resides, but only during the time such circumstances exist.

Ineligibility pursuant to this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does report [in person] to the division's office;

(4) Prior to the first week of a period of total or partial unemployment for which the claimant claims benefits he or she has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. During calendar year 2008 and each calendar year thereafter, the one-week waiting period shall become compensable once his or her remaining balance on the claim is equal to or less than the compensable amount for the waiting period. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which the claimant claims benefits;

(5) The claimant has made a claim for benefits within fourteen days from the last day of the week being claimed. The fourteen-day period may, for good cause, be extended to twenty-eight days;

(6) The claimant has reported to an employment office to participate in a reemployment assessment and reemployment services as directed by the deputy or designated staff of an employment office, unless the deputy determines that good cause exists for the claimant's failure to participate in such reemployment assessment and reemployment services. For purposes of this section, "reemployment services" may include, but not be limited to, the following:

- (a) Providing an orientation to employment office services;
- (b) Providing job search assistance; and
- (c) Providing labor market statistics or analysis;

Ineligibility under this subdivision shall begin on the first day of the week which the claimant was scheduled to report for the reemployment assessment or reemployment services and shall end on the last day of the week preceding the week during which the claimant does report in person to the employment office for such reemployment assessment or reemployment services;

(7) The claimant is participating in reemployment services, such as job search assistance services, as directed by the deputy if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the division, unless the deputy determines that:

- (a) The individual has completed such reemployment services; or
- (b) There is justifiable cause for the claimant's failure to participate in such reemployment services.

2. A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds he or she is or has been suspended by his or her most recent employer for misconduct connected with his or her work. Suspensions of four weeks or more shall be treated as discharges.

3. (1) Benefits based on "service in employment", [defined] **described** in subsections 7 and 8 of section 288.034, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that:

- (a) With respect to service performed in an instructional, research, or principal administrative capacity

for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) With respect to services performed in any capacity (other than instructional, research, or principal administrative capacity) for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(c) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is reasonable assurance that such individual will perform such services immediately following such vacation period or holiday recess;

(d) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits payable on the basis of services in any such capacity shall be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services at an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(2) If compensation is denied for any week pursuant to paragraph (b) or (d) of subdivision (1) of this subsection to any individual performing services at an educational institution in any capacity (other than instructional, research or principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he or she is receiving or has received remuneration exceeding his or her weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability pursuant to the workers' compensation law of any state or pursuant to a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period

(or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment.

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, the claimant shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, no part of the payments received pursuant to such federal law shall be deductible from the amount of benefits received pursuant to this chapter.

5. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he or she has received or is seeking unemployment benefits pursuant to an unemployment insurance law of another state or the United States; provided, that if it be finally determined that the claimant is not entitled to such unemployment benefits, such ineligibility shall not apply.

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such

seasons (or similar periods).

8. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

9. A claimant shall be ineligible for waiting week credit or benefits for any week such claimant has an outstanding penalty which was assessed based upon an overpayment of benefits, as provided for in subsection 9 of section 288.380.

10. The directors of the division of employment security and the division of workforce development shall submit to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than October 15, 2006, a report outlining their recommendations for how to improve work search verification and claimant reemployment activities. The recommendations shall include, but not limited to how to best utilize "greathires.org", and how to reduce the average duration of unemployment insurance claims. Each calendar year thereafter, the directors shall submit a report containing their recommendations on these issues by December thirty-first of each year.

11. For purposes of this section, a claimant may satisfy reporting requirements provided under this section by reporting by internet communication or any other means deemed acceptable by the division of employment security."; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Kraus moved that **SCS** for **HCS** for **HB 611**, as amended, be adopted, which motion prevailed.

Senator Kraus moved that **SCS** for **HCS** for **HB 611**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Dempsey referred **SCS** for **HCS** for **HB 611**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HB 142, introduced by Representative Dugger, with **SCS**, entitled:

An Act to repeal section 393.1075, RSMo, and to enact in lieu thereof one new section relating to utilities, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Walsh.

SCS for **HB 142**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 142

An Act to repeal sections 393.320 and 393.1075, RSMo, and to enact in lieu thereof two new sections relating to utilities, with a penalty provision.

Was taken up.

Senator Walsh moved that **SCS** for **HB 142** be adopted.

Senator Walsh offered **SS** for **SCS** for **HB 142**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 142

An Act to repeal sections 386.370, 393.190, 393.320, 393.760, and 393.1075, RSMo, and to enact in lieu thereof five new sections relating to utilities, with a penalty provision.

Senator Walsh moved that **SS** for **SCS** for **HB 142** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 142, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;
- (7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;
- (8) Real or personal property leased or otherwise transferred by an interstate compact agency created

pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reverter of the property within the limitation period for reverters;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;

(10) Solar energy systems not held for resale.”; and

Further amend said bill, page 13, section 393.760, line 26 of said page, by inserting after all of said line the following:

“393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility’s sales:

- (1) No less than two percent for calendar years 2011 through 2013;
- (2) No less than five percent for calendar years 2014 through 2017;
- (3) No less than ten percent for calendar years 2018 through 2020; and
- (4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules

shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation. **Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail rate increase would be less than or equal to one percent if an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility is ignored for purposes of calculating the increase, then additional solar rebates shall be paid and included in rates in an amount up to the amount that would produce a retail rate increase equal to the difference between a one percent retail rate increase and the retail rate increase calculated when ignoring an electric utility's investment in solar-related projects initiated, owned, or operated by the electric utility. Notwithstanding any provision to the contrary in this section, even if the payment of additional solar rebates will produce a maximum average retail rate increase of greater than one percent when an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility are included in the calculation, the additional solar rebate costs shall be included in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this subsection;**

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1 **of this section**. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. **As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050, each electric utility shall make available to its retail customers a [standard] solar rebate [offer of at least two dollars per installed watt] for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, measured in direct current that [become operational after 2009] were confirmed by the electric utility to have become operational in compliance with the provisions of section 386.890. The solar rebates shall be two dollars per watt for systems becoming operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for systems becoming operational after June 30, 2020. An electric utility may, through its tariffs,**

require applications for rebates to be submitted up to one hundred eighty-two days prior to the June 30 operational date. Nothing in this section shall prevent an electrical corporation from offering rebates after July 1, 2020, through an approved tariff. If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached the commission shall approve the tariff suspension. The electric utility shall continue to process and pay applicable solar rebates until a final commission ruling; however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

6. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Walsh moved that **SS** for **SCS** for **HB 142**, as amended, be adopted, which motion prevailed.

On motion of Senator Walsh, **SS** for **SCS** for **HB 142**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Brown Libla—2

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Walsh, title to the bill was agreed to.

Senator Walsh moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 345**, with **SCS**, entitled:

An Act to repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof thirteen new sections relating to broadband and wireless deployment.

Was called from the Informal Calendar and taken up by Senator Lager.

SCS for **HCS** for **HB 345**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 345

An Act to repeal sections 67.1830, 67.1836, 67.1838, 67.1842, 392.415, 392.420, and 392.461, RSMo, and to enact in lieu thereof twenty-two new sections relating to telecommunications.

Was taken up.

Senator Lager moved that **SCS** for **HCS** for **HB 345** be adopted.

Senator Lager offered **SS** for **SCS** for **HCS** for **HB 345**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 345

An Act to repeal section 67.5103 as truly agreed to and finally passed by senate substitute for house bill no. 331, ninety-seventh general assembly, first regular session, and to enact in lieu thereof three new sections relating to telecommunications.

Senator Lager moved that **SS** for **SCS** for **HCS** for **HB 345** be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SCS** for **HCS** for **HB 345** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Romine moved that **HB 196**, with **SCS**, **SA 1** and point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem Dempsey ruled the pending point of order well taken.

SCS for **HB 196** was again taken up.

President Pro Tem Dempsey assumed the Chair.

Senator Romine moved that **SCS** for **HB 196** be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **HB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla

McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Lamping moved that the conference be dissolved on **SB 77**, as amended, and request the House to recede from its position on **HA 1** and take up and pass **SB 77**, which motion prevailed.

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 161**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 161

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 161, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do

recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 161, as amended;
2. That the Senate recede from its position on Senate Bill No. 161;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 161 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce

/s/ Scott T. Rupp

/s/ Wayne Wallingford

/s/ S. Kiki Curls

/s/ Gina Walsh

FOR THE HOUSE:

/s/ Rick Stream

/s/ Todd Richardson

/s/ Margo McNeil

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Pearce, **CCS** for **HCS** for **SB 161**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 161

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to an actuarial analysis to study the cost impact of mandating health insurance coverage for eating disorders.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 650, introduced by Representative Ross, et al, with **SCS**, entitled:

An Act to repeal section 60.570, RSMo, and to enact in lieu thereof one new section relating to land survey program headquarters.

Was called from the Informal Calendar and taken up by Senator Munzlinger.

SCS for **HB 650**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 650

An Act to repeal sections 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 256.117, 261.023, 640.010, and 640.075, RSMo, and to enact in lieu thereof twenty-four new sections relating to the land survey program, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **HB 650** be adopted.

Senator Lager offered **SS** for **SCS** for **HB 650**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 650

An Act to repeal sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.320, 260.325, 260.330, 260.335, 260.345, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-seven new sections relating to the department of natural resources, with penalty provisions and an emergency

clause for certain sections.

Senator Lager moved that **SS** for **SCS** for **HB 650** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 650, Page 14, Section 60.570, Line 21 of said page, by inserting after “available.” the following: “**No department shall charge any fee over or above the amount paid to the office of administration for utilization of the building.**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Wallingford offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 650, Pages 65-67, Section 260.320, by striking all of said section from the bill; and

Further amend said bill, pages 67-71, section 260.325, by striking all of said section from the bill; and

Further amend said bill, pages 71-75, section 260.330, by striking all of said section from the bill; and

Further amend said bill, pages 75-80, section 260.335, by striking all of said section from the bill; and

Further amend said bill, pages 80-81, section 260.345, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

Senator McKenna offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Bill No. 650, Page 1, Line 10, by inserting after all of said line the following:

“and further amend said bill, page 163, section 1, line 12 by inserting after all of said line the following:

“**Section 2. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Solid Waste Management District Operations”, which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.**

2. The committee shall examine solid waste management district operations, including but not

limited to the efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of natural resources and representatives of solid waste management districts.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2013, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.”; and”.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

President Pro Tem Dempsey assumed the Chair.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Sifton offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 650, Pages 127-128, Section 640.236, by striking all of said section and inserting in lieu thereof the following:

“640.236. In all civil actions involving claims for exposure or contamination arising from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975, or such claims that arise from chat or tailings generated at those sites, brought against persons or entities alleged to have owned, maintained, managed, or controlled such sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or exemplary damages with respect to all such claims that relate in any way to the ownership, maintenance, management, or control of such sites, chat, or tailings, so long as such persons or entities or their employees, agents, owners, parent, subsidiary, or any related companies have made or are making good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good faith efforts to remediate including substantial compliance with an order or permit issued by or negotiated with either the state of Missouri or the United States concerning remediation or closure. The total of any awards of punitive or exemplary damages shall not exceed five million dollars against any one defendant, including any employees or agents thereof, in a civil action within this section. The provisions of section 537.675 shall not apply to such action, and one-half of any such awards for punitive or exemplary damages shall be paid into the Missouri lead abatement loan fund established under section 701.337. Nothing in this section shall be construed as precluding any party from pursuing compensatory damages, including claims for natural resource damages.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Romine offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 650, Pages 127-128, Section 640.236, by striking all of said section and inserting in lieu thereof the following:

“640.236. In all civil actions involving claims for exposure or contamination arising from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975, or such claims that arise from chat or tailings generated at those sites, brought against persons or entities alleged to have owned, maintained, managed, or controlled such sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or exemplary damages with respect to all such claims that relate in any way to the ownership, maintenance, management, or control of such sites, chat, or tailings, so long as such persons or entities or their employees, agents, owners, parent, subsidiary, or any related companies have made or are making good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good faith efforts to remediate including substantial compliance with an order or permit issued by or negotiated with either the state of Missouri or the United States concerning remediation or closure. The total of any awards of punitive or exemplary damages shall not exceed five million dollars in the aggregate as to all defendants in a civil action within this section. The provisions of section 537.675 shall not apply to such action, and one-half of any such awards for punitive or exemplary damages shall be paid into the Missouri lead abatement loan fund established under section 701.337. Nothing in this section shall be construed as precluding any party from pursuing compensatory damages, including claims for natural resource damages.”; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above substitute amendment be adopted.

Senator McKenna offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 650, Page 2, Section 640.236, Line 2, by striking the words “five million” and inserting in lieu thereof the following: **“two million five hundred thousand”**.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 3**, as amended, was again taken up.

Senator Romine moved that the above substitute amendment be adopted, which motion prevailed.

Senator Kraus offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 650, Page 163, Section 1,

Line 12, by inserting after all of said line the following:

“Section 2. 1. Beginning January 1, 2015, solid waste management district overhead administration costs as provided in sections 260.330 and 260.335 shall not be greater than thirty-five percent.

2. The department of natural resources shall promulgate rules adjusting the solid waste sanitary landfill charge and solid waste demolition landfill charge in section 260.330, and the division of revenues under subsection 2 of section 260.335 to correspond with the reduction in solid waste management district overhead administration costs as provided in subsection 1 of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted, which motion failed.

Senator Lager moved that **SS for SCS for HB 650**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS for SCS for HB 650**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Lager	Lamping
Libla	McKenna	Munzlinger	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Silvey	Wallingford	Walsh	Wasson—22		

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	Kraus	LeVota	Nasheed
Nieves	Sifton—10						

Absent—Senator Schmitt—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Justus	Kehoe	Lager
Lamping	Libla	McKenna	Munzlinger	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh	Wasson—24

NAYS—Senators

Chappelle-Nadal Curls Holsman Keaveny Kraus LeVota Nasheed Nieves
Sifton—9

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Romine moved that the Senate request the House to grant the Senate further conference on **HCS** for **SB 57**, as amended, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Dixon, **HCS** for **HB 215**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schaaf, **HJR 16**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lager, **HCS** for **HB 320** was placed on the Informal Calendar.

At the request of Senator Kehoe, **HCS** for **HB 349** was placed on the Informal Calendar.

At the request of Senator Pearce, **HCS** for **HB 388**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dixon, **HCS** for **HB 505**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schmitt, **HCS** for **HB 161**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Silvey, **HB 336** was placed on the Informal Calendar.

At the request of Senator Pearce, **HCS** for **HB 306**, with **SCA 1** and **SCA 2**, was placed on the Informal Calendar.

HCS for **HB 986**, with **SCS**, entitled:

An Act to repeal sections 208.146 and 208.151, RSMo, and to enact in lieu thereof five new sections relating to MO HealthNet, with an emergency clause for a certain section.

Was taken up by Senator Wasson.

SCS for **HCS** for **HB 986**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 986**

An Act to repeal sections 208.053 and 208.146, RSMo, and to enact in lieu thereof three new sections relating to public assistance, with an emergency clause for a certain section.

Was taken up.

Senator Wasson moved that **SCS** for **HCS** for **HB 986** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 986, Page 7, Section 208.146, Line 87, by inserting immediately after said line the following:

“208.207. 1. Beginning January 1, 2014, individuals aged nineteen to sixty-four, who are not otherwise eligible for MO HealthNet services under this chapter, who qualify for MO HealthNet services under section 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) and as set forth in 42 CFR 435.119, and who have income at or below one hundred thirty-three percent of the federal poverty level plus five percent of the applicable family size as determined under 42 U.S.C. 1396a(e)(14) and as set forth in 42 CFR 435.603, shall be eligible for medical assistance under MO HealthNet and shall receive coverage for the health benefits service package.

2. For purposes of this section, “health benefits service package” shall mean subject to federal approval, benefits covered by the MO HealthNet program as determined by the department of social services to meet the benchmark or benchmark-equivalent coverage requirement under 42 U.S.C. 1396a(k)(1).

3. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically one year after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically one year after the effective date of the reauthorization of this section unless reauthorized by an act of the general assembly again in which case such program shall automatically sunset one year after the effective date of the second reauthorization; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Wasson, **HCS** for **HB 986**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 256**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 51**, as amended, and grants the Senate a conference

thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SS** for **SCS** for **SB 114**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 224**.

With House Amendment Nos. 1, 2, 3, and 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment Nos. 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 224, Page 1, In the title, Line 3, by deleting the words, “the Kansas City police department” and inserting in lieu thereof the words, “police departments”; and

Further amend said bill, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

“86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) “Accumulated contributions”, the sum of all mandatory contributions deducted from the compensation of a member and credited to the member’s individual account, together with members’ interest thereon;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) “Average final compensation”:

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member’s last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member’s entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member’s last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member’s entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member’s benefit attributable to creditable service earned before DROP entry shall be determined using

average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary **established under section 84.160** which a member would earn during one year on the basis of the member's rank or position [as specified in the applicable salary matrix] plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code,

as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a “noneligible participant” is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) “Internal Revenue Code”, the federal Internal Revenue Code of 1986, as amended;

(11) “Mandatory contributions”, the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) **“Medical board”, the board of three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;**

(13) “Member”, a member of the retirement system as defined by sections 86.200 to 86.366;

[(13)] (14) “Members’ interest”, interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(14)] (15) “Membership service”, service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case “membership service” means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)] (16) “Plan year” or “limitation year”, the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(16)] (17) “Policeman” or “police officer”, any member of the police force of such cities who holds a rank in such police force;

[(17)] (18) “Prior service”, all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(18)] (19) “Reserve officer”, any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(19)] (20) “Retirement allowance”, annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)] (21) “Retirement system”, the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)] **(22)** “Surviving spouse”, the surviving spouse of a member who was the member’s spouse at the time of the member’s death.

86.257. 1. Upon the application of [a member in service or of] the board of police commissioners **or any successor body**, any member who has completed ten or more years of creditable service **or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as determined by the system’s annual actuarial valuation, of at least eighty percent, a member who has completed five or more years of creditable service** and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of [trustees of the police retirement system] **police commissioners or any successor body** upon certification by the medical [director] **board** of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member’s retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member’s application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical [director] **board** certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary’s nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. 1. Any member **in active service** who is permanently unable to perform the **full and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member’s part, shall[, upon application,] be retired **by the board of police commissioners or any successor body** upon certification by [the medical director of the police retirement system and approval by the board of trustees of the police retirement system] **one or more physicians of the medical board** that the member is mentally or physically unable to perform the **full and unrestricted** duties of a police officer [and] , that the inability is permanent or [reasonably] likely to become permanent, **and that the member should be retired. The inability to perform the “full and unrestricted duties of a police officer” means the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners or any successor body.**

2. No member shall be approved for retirement under the provisions of subsection 1 of this section

unless the application was made and submitted to the board of [trustees of the police retirement system] **police commissioners or any successor body** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued **by the board of trustees of the police retirement system** until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical [director] **board** certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, [and if the board of trustees concurs with the medical director's determination,] then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after all of said section and line the following:

"568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) **“Arrearage”:**

(a) **The amount of money created by a failure to provide support to a child under an administrative or judicial support order; or**

(b) **Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or**

(c) **Both paragraphs (a) and (b).**

The arrearage shall reflect any retroactive support ordered under a modification, and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent;

(2) **“Child”** means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)] (3) **“Good cause”** means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

[(3)] (4) **“Support”** means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) **It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.**

3. **Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.**

4. **The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 of this section.**

5. **Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.**

6. (1) **If at any time a defendant convicted of criminal nonsupport or pleads guilty to a charge of criminal nonsupport is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant’s financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due [may] shall be in such aggregate sums as is not greater than fifty percent of the defendant’s adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only.**

(2) **If the defendant fails to pay the [current] support and arrearages [as ordered] under the terms of his or her probation, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.**

(3) After a period of not less than eight years, an individual who has pled guilty to or has been convicted of a first felony offense for criminal nonsupport under this section and who has successfully completed probation after a plea of guilt or was sentenced may petition the court for expungement of all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person has not been convicted of any subsequent offense; does not have any other felony pleas of guilt, findings of guilt or convictions; is current on all child support obligations; has paid off all arrearages; and has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement with respect to all children subject to orders of payment of child support or that the defendant has successfully completed a criminal nonsupport courts program under section 478.1000, the court shall enter an order of expungement. Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, and as if such event had never taken place. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement under this section. Nothing in this section shall prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under this section.

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the [child support enforcement service of the] family support division [of] **within** the department of social services **regarding child support enforcement services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is

charged.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 224, Page 1, In the title, Line 3, by deleting the words, “the Kansas City Police Department” and inserting in lieu thereof the words, “public employees”; and

Further amend said bill, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

“169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) “Accumulated contributions”, the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member’s individual account together with interest thereon in the employees’ contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system’s actuary and approved by the board of trustees;

(3) “Average final compensation”, the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are “consecutive”, only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) “Beneficiary”, any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) “Board of education”, the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) “Board of trustees”, the board provided for in section 169.291 to administer the retirement system;

(7) “Break in service”, an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A “school or work day” is a day on which the employee’s employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee’s last job description to report to their place of employment for any reason;

(8) “Charter school”, any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) “Compensation”, the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member’s behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) “Creditable service”, the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) “Employee”, any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) “Employer”, the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) “Employer’s board”, the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) “Library district”, any urban public library district created from or within a school district under the provisions of section 182.703;

(15) “Medical board”, the board of physicians provided for in section 169.291;

(16) “Member”, any person who is a regular employee after the retirement system has been established hereunder (“active member”), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder (“inactive member”). **A person shall cease to be a member if the person has a break in service before earning any vested retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system;**

(17) “Minimum normal retirement age”, **for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement**, the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit[,] **and** with both years of creditable service and years of age prorated for fractional years; **for any person who becomes a member of the retirement system on or after January 1, 2014, including any person who**

was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years;

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid

at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the [employer] **employers** shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for [all] subsequent **calendar** years **through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.**

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections [407(a)(37)] **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's

average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any [retiree] **retirant** who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326. [Provided, further, any retiree] **Any retirant** who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the [retiree] **retirant** elected any of the options available under section 169.326). Any beneficiary of a deceased [retiree] **retirant** who retired with at least ten years of creditable

service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and [the] first payable on or about the first day of the fourteenth month following

the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the [statutory] **then applicable employer and member contribution rate as determined under subsection 4 of section 169.350;**

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. 1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013**, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calendar year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 224, Page 1, In the title, Line3, by deleting the

words, “the Kansas City police department” and inserting in lieu thereof the words, “public employees”; and

Further amend said bill, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

“”105.935. 1. Any state employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by both the state employee and his or her supervisor.

2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair Labor Standards Act shall be eligible for payment of overtime in accordance with subsection 4 of this section. A nonexempt state employee who works on a designated state holiday shall be granted equal compensatory time off duty or shall receive, at his or her choice, the employee’s straight time hourly rate in cash payment. A nonexempt state employee shall be paid in cash for overtime unless the employee requests compensatory time off at the applicable overtime rate. As used in this section, the term “state employee” means any person who is employed by the state and earns a salary or wage in a position normally requiring the actual performance by him or her of duties on behalf of the state, but shall not include any employee who is exempt under the provisions of the Fair Labor Standards Act or any employee of the general assembly.

3. Beginning on January 1, 2006, and annually thereafter each department shall pay all nonexempt state employees in full for any overtime hours accrued during the previous calendar year which have not already been paid or used in the form of compensatory leave time. [All nonexempt state employees shall have the option of retaining up to a total of eighty compensatory time hours.] **Any nonexempt Missouri department of corrections employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by such employee and his or her supervisor. Compensatory time shall be considered accrued upon completion of time worked in excess of such employee’s normal assigned shift and will be the employee’s decision whether to take the time off or request payment for such hours. Each nonexempt state employee shall have the right to retain up to eighty hours of compensatory time at any time during the year.**

4. The provisions of subsection 2 of this section shall only apply to nonexempt state employees who are otherwise eligible for compensatory time under the Fair Labor Standards Act, excluding employees of the general assembly. Any nonexempt state employee requesting cash payment for overtime worked shall notify such employee’s department in writing of such decision and state the number of hours, no less than twenty, for which payment is desired. The department shall pay the employee within the calendar month following the month in which a valid request is made. Nothing in this section shall be construed as creating a new compensatory benefit for state employees.

5. Each department shall, by November first of each year, notify the commissioner of administration, the house budget committee chair, and the senate appropriations committee chair of the amount of overtime paid in the previous fiscal year and an estimate of overtime to be paid in the current fiscal year. The fiscal year estimate for overtime pay to be paid by each department shall be designated as a separate line item in the appropriations bill for that department. The provisions of this subsection shall become effective July 1, 2005.

6. Each state department shall report quarterly to the house of representatives budget committee chair, the senate appropriations committee chair, and the commissioner of administration the cumulative number of accrued overtime hours for department employees, the dollar equivalent of such overtime hours, the number of authorized full-time equivalent positions and vacant positions, the amount of funds for any vacant

positions which will be used to pay overtime compensation for employees with full-time equivalent positions, and the current balance in the department's personal service fund.

7. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis in the department of corrections, the department of mental health, the division of youth services of the department of social services, and the veterans commission of the department of public safety.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after all of said line the following:

“Section 1. No law enforcement agency or organization representing law enforcement officers who are either members or nonmembers of a law enforcement agency shall require the payment of any dues or fees as a condition of employment or continued employment.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.490, Line 66, by inserting after all of said section and line the following:

“313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or

federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after all of said Section and Line the following:

“512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases tried before municipal court or under the provisions of chapters 482, 534, and 535, **except in actions between a landlord and a tenant under chapter 535.**

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

534.055. If the tenant has an unauthorized pet on the landlord’s property, the landlord may contact the appropriate local animal control officer or animal shelter to have the pet removed from the property or may terminate the lease agreement. As used in this section, “unauthorized pet” means:

- (1) A pet prohibited by the lease or any local ordinance; or**
- (2) Any animal deemed aggressive.**

534.060. Forcible entries and detainers, and unlawful detainers, may be heard and determined by any associate circuit judge of the county in which they are committed. Neither the provisions of this section or any other section in this chapter shall preclude adoption of a local circuit court rule providing for the

centralized filing of such cases, nor the assignment of such cases to particular associate circuit or circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges and the case is heard by a circuit judge. If the case is heard before an associate circuit judge who has not been specially assigned to hear the case on the record, to the extent practice and procedure are not provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the case is heard initially before an associate circuit judge who has been specially assigned to hear the case on a record or before a circuit judge, the case shall be heard and determined under the same practice and procedure as would apply if the case was being heard upon an application for trial de novo **unless the case involves an action between a landlord and a tenant**, and in such instances, notwithstanding the specific references to chapter 517 in this chapter, the practice and procedure provided in the Missouri Rules of Civil Procedure and the extant provisions of The Civil Code of Missouri shall apply instead of those contained in chapter 517.

535.020. 1. Whenever any rent has become due and payable, and payment has been demanded by the landlord or the landlord's agent from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or agent may file a statement, verified by affidavit, with any associate circuit judge in the county in which the property is situated, setting forth the terms on which such property was rented, and the amount of rent actually due to such landlord; that the rent has been demanded from the tenant, lessee or person occupying the premises, and that payment has not been made, and substantially describing the property rented or leased. Giving the notice provided in section 441.060 is not required prior to filing a statement or obtaining the relief provided in this chapter. In such case, the clerk of the court shall immediately issue a summons directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them to appear before the judge upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff. The landlord or agent may, in such an action for unpaid rent, join a claim for any other unpaid sums, other than property damages, regardless of how denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set forth in the lease; provided that such other sums shall not be considered rent for purposes of this chapter, and judgment for the landlord for recovery of such other sums shall not by itself entitle the landlord to an order for recovery of possession of the premises. The provisions of this section providing for the filing of a statement before an associate circuit judge shall not preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular circuit or associate circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. The case shall be heard and determined under the practice and procedure provided in the Missouri rules of civil procedure, except where otherwise provided by this chapter.

2. If a judgment has been entered in favor of the plaintiff under subsection 1 of this section for recovery of the premises, the sheriff of the county in which the premises is located, within ten days of such judgment, may inspect the premises for the sole purpose of determining safety prior to the removal of any contents as required by the court.

535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that the defendant has ten days from the date of the judgment to file a motion to set aside the judgment [or to file an application for a trial de novo] in the circuit court, as the case may be, and that unless the judgment is set aside [or an application for a trial de novo is filed] within ten days, the judgment will become final and the defendant will be subject to eviction from the premises without further notice.

535.110. Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided in chapter 512; but no application for [a trial de novo or] **an** appeal shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within [ten] **three** days after it becomes due, pending determination of the [trial de novo or] appeal.

535.160. If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial [but before any trial de novo] the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited

only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

535.170. After the execution of any judgment for possession pursuant to this chapter, the lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee, shall be barred from reentry of such premises and from all relief, and except for error in the record or proceedings, the landlord shall from that day hold the demised premises discharged from the lease. Nothing in this section shall preclude an aggrieved party from perfecting an appeal [or securing a trial de novo] as to any judgment rendered, and may as a result of such appeal [or trial de novo] recover any damage incurred, including damages incurred from an unlawful dispossession.

535.190. If a tenant appears before a judge in an action for nonpayment of rent, the court shall inquire, on the record, about the tenant's current residence and current place of employment.

535.200. 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the city of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the mayor of the city of St. Louis, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of the city of St. Louis, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file

with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at city expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of [a trial de novo or] **an** appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days. The sheriff must attempt to serve any summons within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by the city of St. Louis.

535.210. 1. In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson County providing for expenditure of county funds for such purpose, a majority of the circuit court judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of Jackson County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of Jackson County, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit court, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at county expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of [a trial de novo or] **an** appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days from the date of service. The sheriff must attempt to serve any summons within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by Jackson County.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 84.510, Line 66, by inserting after said line the following:

“Section 1. Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts and other government agencies whose originating agency identifier was terminated by the federal bureau of investigations shall provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format on line in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 17**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 256**, as amended. Representatives: Torpey, Hinson, and McManus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HA 1** to **HA 1**, **HA 1**, as amended, to **SS** for **SCS** for **SB 114**. Representatives: Jones (50), Richardson, and Hummel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 51**, as amended. Representatives: Guernsey, Fraker, and Curtis.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended for **SCS** for **HB 650** and has taken up and passed **SS** for **SCS** for **HB 650**, as amended.

Senator Pearce assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 51**, as amended: Senators Munzlinger, Kehoe, Libla, McKenna and LeVota.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 256**, as amended: Senators Silvey, Romine, Sater, Justus and Keaveny.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 15, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 26, 2013, for your advice and consent:

John W. Maupin, Republican, 567 North Spoede Road, Creve Coeur, Saint Louis County, Missouri 63141, as a member and Secretary of the St. Louis County Board of Election Commissioners, for a term ending January 10, 2017, and until his successor is duly appointed and qualified; vice, Julie Jones, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey moved that the above appointment be returned to the Governor per his request, which motion prevailed.

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 15, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 13, 2013, for your advice and consent:

Boyd Harris, Republican, 19510 North Drew Road, Centralia, Boone County, Missouri 65240, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2014, and until his successor is duly appointed and qualified; vice, Boyd Harris, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey moved that the above appointment be returned to the Governor per his request, which motion prevailed.

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 15, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 13, 2013, for your advice and consent:

Robert E. George, Republican, 1662 South Porter Avenue, Aurora, Lawrence County, Missouri 65605, as a member of the Public Defender Commission, for a term ending March 11, 2019, and until his successor is duly appointed and qualified; vice, Miller M. Leonard, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey moved that the above appointment be returned to the Governor per his request, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 117**, with **SCS**, entitled:

An Act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Wasson.

SCS for **HCS** for **HB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 117

An Act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions and a delayed effective date.

Was taken up.

Senator Wasson moved that **SCS** for **HCS** for **HB 117** be adopted.

Senator Wasson offered **SS** for **SCS** for **HCS** for **HB 117**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 117

An Act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions and a delayed effective date.

Senator Wasson moved that **SS** for **SCS** for **HCS** for **HB 117** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **SCS** for **HCS** for **HB 117** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator McKenna—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Wasson moved that **HCS** for **HB 986**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Romine offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 986, Page 7, Section 208.146, Line 87, by inserting after all of said line the following:

“208.993. 1. The president pro tempore of the senate and the speaker of the house of representatives may jointly establish a committee to be known as the “Joint Committee on Medicaid Transformation”.

2. The committee may study the following:

- (1) Development of methods to prevent fraud and abuse in the MO HealthNet system;**
- (2) Advice on more efficient and cost-effective ways to provide coverage for MO HealthNet participants;**
- (3) An evaluation of how coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;**
- (4) Possibilities for promoting healthy behavior by encouraging patients to take ownership of their health care and seek early preventative care;**
- (5) Advice on the best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and**
- (6) Ways that individuals who currently receive medical care coverage through the MO HealthNet program can transition to obtaining their health coverage through the private sector.**

3. If established, the joint committee shall be composed of twelve members. Six members shall be from the senate, with four members appointed by the president pro tempore of the senate, and two members of the minority party appointed by the president pro tempore of the senate with the advice of the minority leader of the senate. Six members shall be from the house of representatives, with four members appointed by the speaker of the house of representatives, and two members of the minority party appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

4. The provisions of this section shall expire on January 1, 2014.; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above substitute amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 986, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“191.237. 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. No health information organization may impose connection fees or recurring connection fees on another health information organization for the purpose of exchanging standards-based clinical summaries for patients or for sharing information of an agency of the state of Missouri.

3. As used in this section, the following terms shall mean:

(1) “Fine or penalty”, any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) “Health care system”, any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or

health care data or health care information for its participants;

(3) “Health information organization”, an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 986, Page 1, In the Title, Line 3, by striking “public assistance” and inserting in lieu thereof the following: “health care services”; and further amend line 4, by inserting immediately after “section” the following: “and an effective date for a certain section”; and

Further amend said bill, page 7, section 208.1050, line 22, by inserting immediately after said line the following:

“376.1900. 1. As used in this section, the following terms shall mean:

(1) **“Electronic visit”, or “e-Visit”, an online electronic medical evaluation and management service completed using a secured web-based or similar electronic-based communications network for a single patient encounter. An electronic visit shall be initiated by a patient or by the guardian of a patient with the health care provider, be completed using a federal Health Insurance Portability and Accountability Act (HIPAA) compliant online connection, and include a permanent record of the electronic visit;**

(2) **“Health benefit plan” shall have the same meaning ascribed to it in section 376.1350;**

(3) **“Health care provider” shall have the same meaning ascribed to it in section 376.1350;**

(4) **“Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a physical or mental health condition, illness, injury or disease;**

(5) **“Health carrier” shall have the same meaning ascribed to it in section 376.1350;**

(6) **“Telehealth” shall have the same meaning ascribed to it in section 208.670.**

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, shall not deny coverage for a health care service on the basis that the health care service is provided through telehealth if the same service would be covered if provided through face-to-face diagnosis, consultation, or treatment.

3. A health carrier may not exclude an otherwise covered health care service from coverage solely because the service is provided through telehealth rather than face-to-face consultation or contact between a health care provider and a patient.

4. A health carrier shall not be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs for the provision of telehealth services; however, subject to correct coding, a health carrier shall reimburse a health care provider for the diagnosis, consultation, or treatment of an insured or enrollee when the health care service is delivered through telehealth on

the same basis that the health carrier covers the service when it is delivered in person.

5. A health care service provided through telehealth shall not be subject to any greater deductible, copayment, or coinsurance amount than would be applicable if the same health care service was provided through face-to-face diagnosis, consultation, or treatment.

6. A health carrier shall not impose upon any person receiving benefits under this section any copayment, coinsurance, or deductible amount, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or health benefit plan.

7. Nothing in this section shall preclude a health carrier from undertaking utilization review to determine the appropriateness of telehealth as a means of delivering a health care service, provided that the determinations shall be made in the same manner as those regarding the same service when it is delivered in person.

8. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier.

9. Nothing in this section shall be construed to require a health care provider to be physically present with a patient where the patient is located unless the health care provider who is providing health care services by means of telehealth determines that the presence of a health care provider is necessary.

10. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and

Further amend said bill and page, section B, line 6, by inserting immediately after said line the following:

“Section C. The enactment of section 376.1900 of this act shall become effective January 1, 2014.”; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Wasson moved that **SCS** for **HCS** for **HB 986**, as amended, be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **HCS** for **HB 986**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 428, introduced by Representative Schatz, with **SCS**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the issuance of salvage motor vehicle titles.

Was called from the Informal Calendar and taken up by Senator Wasson.

SCS for **HB 428**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 428

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the issuance of salvage motor vehicle titles.

Was taken up.

Senator Wasson moved that **SCS** for **HB 428** be adopted.

Senator Wasson offered **SS** for **SCS** for **HB 428**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 428

An Act to repeal sections 301.193 and 301.260, RSMo, and to enact in lieu thereof three new sections relating to the registration and licensing of motor vehicles.

Senator Wasson moved that **SS** for **SCS** for **HB 428** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **SCS** for **HB 428** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed Senator Brown to replace Senator Schaefer on the Conference Committee on **HCS** for **SB 41**, as amended.

PRIVILEGED MOTIONS

Senator Schaefer moved that the Senate refuse to concur in **HCS** for **SB 73**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Curls moved that the Senate refuse to concur in **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HSA 1** for **HA 5**, **HA 6**, **HA 7** and **HA 8** to **SCS** for **SB 224** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Munzlinger moved that **SCS** for **HB 103**, as amended, be called from the Informal Calendar and

taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 103**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1002, regarding the One Hundredth Birthday of Ruby Marie Tate Dryden See, which was adopted.

Senator Schaaf offered Senate Resolution No. 1003, regarding Stroke Awareness Month, which was adopted.

Senator Kehoe offered Senate Resolution No. 1004, regarding the Eightieth Birthday of Norman D. “Bud” DeVore, Iberia, which was adopted.

Senators Dixon and Wasson offered Senate Resolution No. 1005, regarding the One Hundredth Anniversary of the Springfield-Greene County Park Board, which was adopted.

On behalf of Senator Rupp and himself, Senator Lamping offered Senate Resolution No. 1006, regarding Allison Jean Pratt, Defiance, which was adopted.

Senators Lamping and Chappelle-Nadal offered Senate Resolution No. 1007, regarding Emily Rose Bublitz, Florissant, which was adopted.

Senators Lamping and Walsh offered Senate Resolution No. 1008, regarding Audrey Lorine Corbin, St. Louis, which was adopted.

Senators Lamping and Walsh offered Senate Resolution No. 1009, regarding Kelli Audrey Goldman, Florissant, which was adopted.

Senator Wallingford offered Senate Resolution No. 1010, regarding BJ Tanksley, Cape Girardeau, which was adopted.

Senator Sater offered Senate Resolution No. 1011, regarding Scotty Penner, Branson, which was adopted.

Senator Sater offered Senate Resolution No. 1012, regarding the Thirtieth Anniversary of Arning Companies, Inc., Cassville, which was adopted.

Senator Dixon offered Senate Resolution No. 1013, regarding Duane Grimme, Satsuma, Florida, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nieves introduced to the Senate, Kenneth C. Lynn, Tom Hoemeyer, Patricia Powell, Brett Workman, SSG Cameron Carney, SFC Sherry Foxx, Bob White, Ken Strubberg and Marc Magil; and Mrs. Julie Vinnedge.

Senator Schaaf introduced to the Senate, the Physician of the Day, Dr. Robb Hicks, St. Louis.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-NINTH DAY—THURSDAY, MAY 16, 2013

FORMAL CALENDAR

VETOED BILLS

HOUSE BILLS ON SECOND READING

HJR 17-Burlison, et al

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 473 (Lager)
(In Fiscal Oversight) | 16. HB 733-Berry, et al (Silvey) |
| 2. HCS for HJRs 5 & 12, with SCS (Kraus)
(In Fiscal Oversight) | 17. HCS for HB 813 (In Fiscal Oversight) |
| 3. HCS for HBs 48 & 216 (Kraus)
(In Fiscal Oversight) | 18. HB 632-Dunn, et al |
| 4. HCS for HB 114 (Brown)
(In Fiscal Oversight) | 19. HB 634-Elmer, with SCA 1 |
| 5. HCS for HB 653, with SCS (Pearce)
(In Fiscal Oversight) | 20. HCS for HB 513 (Emery) |
| 6. HCS for HB 343, with SCS (Kraus) | 21. HB 42-Rowland, with SCS (Nieves) |
| 7. HB 429-Schatz | 22. HB 808-Funderburk, et al (Nieves) |
| 8. HCS for HB 30 (In Fiscal Oversight) | 23. HB 301-Engler, with SCS (Romine) |
| 9. HB 152-Solon, et al, with SCS (Kraus) | 24. HCS for HBs 373 & 435, with SCS
(Dixon) |
| 10. HCS for HB 675 (Pearce) | 25. HCS for HB 257 (Sater) |
| 11. HCS for HB 76, with SCS (Pearce) | 26. HB 702-Englund, et al (Brown) |
| 12. HCS for HB 28, with SCS | 27. HJR 8-Solon, et al (Munzlinger)
(In Fiscal Oversight) |
| 13. HB 60-Engler, with SCS | 28. HB 715-McCaherty (Nieves) |
| 14. HCS for HB 222, with SCS (Schmitt)
(In Fiscal Oversight) | 29. HCS for HB 312 (Lager) |
| 15. HB 568-Lauer and Gatschenberger,
with SCS (Kraus) | 30. HB 442-Hoskins, et al, with SCS
(Lamping) |
| | 31. HCS for HB 252, with SCS (Lamping) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|---|
| SB 3-Rupp, with SA 1 (pending) | SB 53-Lamping |
| SB 13-Schaefer, with SCS | SB 61-Keaveny, with SCA 1 (pending) |
| SB 21-Dixon | SB 65-Dixon, with SCS |
| SB 22-Dixon | SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending) |
| SB 30-Brown, with SCS | SB 82-Schaefer, with SCS |
| SB 48-Lamping | |

SB 109-Brown, with SCS
 SB 133-Keaveny and Holsman, with SCS &
 SA 1 (pending)
 SB 141-Dempsey
 SB 167-Sater and Wallingford, with SCS
 SB 174-Parson, with SCS
 SB 175-Wallingford
 SB 207-Kehoe, et al, with SCS
 SB 231-Munzlinger, with SA 1 (pending)
 SB 239-Emery, with SCS & SA 2 (pending)
 SB 250-Schaaf, with SCS
 SB 259-Schaaf, with SCS
 SB 272-Nieves, with SA 2 (pending)
 SB 285-Romine
 SB 291-Rupp
 SB 292-Rupp
 SB 308-Schaaf
 SB 315-Pearce

SB 325-Nieves
 SB 339-Romine
 SB 343-Parson
 SB 364-Parson
 SB 371-Munzlinger, with SCS
 SB 377-Dixon
 SB 383-Wallingford
 SB 396-Holsman and Chappelle-Nadal,
 with SCS
 SB 403-Rupp, with SCS
 SB 410-Kehoe
 SB 419-Lager, with SCS
 SB 423-Nasheed
 SB 441-Dempsey
 SB 448-Schmitt and Keaveny
 SB 455-Nieves, with SCS
 SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
 HB 55-Flanigan and Allen, with SCS
 (Schaefer)
 HB 85-Kelley (127), et al (Dixon)
 HCS for HB 110, with SCS (Kraus)
 HB 112-Burlison, with SA 2 (pending)
 (Brown)
 HB 116-Dugger, with SCS, SS for SCS &
 SA 2 (pending) (Dixon)
 HCS for HB 128 (Kraus)
 HCS for HB 134, with SCS (Schmitt)
 HB 148-Davis, et al, with SCS (Brown)
 HCS for HB 161, with SCS (Schmitt)
 HCS for HB 168 (Kraus)
 HCS for HB 175, with SCS (Parson)
 SS for HB 184-Cox, et al (Parson)
 (In Fiscal Oversight)
 HCS for HB 194 (Parson)
 HCS for HB 215, with SCS (Dixon)
 HB 274-Brattin, et al, with SCS (Brown)
 HB 278-Brattin, et al (Emery)
 HCS for HB 306, with SCA 1 & SCA 2 (Pearce)

HCS for HB 320 (Lager)
 HB 336-Hinson, et al (Silvey)
 HB 346-Molendorp (Wasson)
 HCS for HB 349 (Kehoe)
 HCS for HB 388, with SCS (Pearce)
 HCS for HBs 404 & 614, with SCS & SS for
 SCS (pending) (Kehoe)
 HB 409-Love and Remole, with SS
 (pending) (Parson)
 HB 432-Funderburk, et al, with SCS &
 SA 1 (pending) (Lager)
 HCS for HB 440, with SCS (Munzlinger)
 HB 450-Carpenter, et al, with SCS
 (Silvey)
 HCS for HB 457, with SCS (Rupp)
 HCS for HB 505, with SCS (Dixon)
 HCS for HBs 593 & 695 (Schaaf)
 SCS for HCS for HB 611 (Kraus)
 (In Fiscal Oversight)
 HB 625-Burlison, with SCS (Wasson)
 HCS for HB 722, with SCS (Lamping)
 HJR 16-McCaherty, et al, with SCS (Schaaf)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended
SCS for SB 118-Kraus, with HCS
SB 222-Lamping, with HCS, as amended

SCS for SB 302-Wasson, with HA 1, HA 2,
HA 3 & HA 4
SS#2 for SCS for SJR 16-Kehoe, with HCS,
as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS, as
amended (Senate adopted CCR and
passed CCS)
SCS for SB 9-Pearce, with HCS, as amended
SCS for SB 17-Munzlinger and Romine,
with HCS, as amended
SCS for SB 33-Lamping, with HA 1, HA 2,
HA 3, HA 4, HA 5 & HA 6 (Senate
adopted CCR and passed CCS)
SCS for SB 36-Wallingford and Sifton,
with HA 1 (Senate adopted CCR and
passed CCS)
SB 41-Munzlinger, with HCS, as amended
SCS for SB 42-Munzlinger, with HCS, as
amended
SB 43-Munzlinger, with HCS, as amended
(Senate adopted CCR and passed CCS)
SCS for SB 45-Dixon, with HCS, as amended
SB 51-Munzlinger, with HCS, as amended
SB 57-Romine, with HCS, as amended
(Further conference requested)
SB 90-McKenna, with HCS, as amended
SS for SCS for SB 114-Schmitt, with
HA 1, as amended

SB 127-Sater, with HCS, as amended
SCS for SB 157 & SB 102-Sater, with HCS,
as amended
SB 161-Pearce, with HCS, as amended
(Senate adopted CCR and passed CCS)
SCS for SB 248-Wasson, with HA 1 & HA 2
SCS for SB 256-Silvey, with HCS, as amended
SS for SB 262-Curls, with HCS, as amended
SB 327-Dixon, with HA 1
SB 330-Wasson, with HCS, as amended
(Senate adopted CCR#2 and passed
CCS#2)
HCS for HB 199, with SS, as amended
(Lamping)
HCS for HBs 256, 33 & 305, with SA 2 &
SA 3 (Kehoe)
HB 307-Riddle, et al, with SS for SCS,
as amended (Schmitt)
HCS for HBs 374 & 434, with SS for SCS,
as amended (Dixon)
HCS#2 for HB 698, with SCS, as amended
(Schmitt)
HCS for HB 1035, with SCS, as amended
(Schmitt)

Requests to Recede or Grant Conference

SB 73-Schaefer, with HCS, as amended
(Senate requests House recede or
grant conference)
SB 77-Lamping, with HA 1 (Senate
requests House recede & take up and
pass bill)

SCS for SB 224-Curls, et al, with HA 1,
HA 2, HA 3, HA 4, HSA 1 for HA 5,
HA 6, HA 7 & HA 8 (Senate requests
House recede or grant conference)

1966

Journal of the Senate

RESOLUTIONS

Reported from Committee

HCR 25-Allen (Sifton)

✓

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY—THURSDAY, MAY 16, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cast your burden on the Lord and he will sustain you; He will never permit the righteous to be moved.” (Psalm 55:22)

Heavenly Father, we are mindful of the stress and burdens we carry into this day and the weight of what today holds. So we pray that You will sustain us and permit us to continue to do what is right and best for our people and to never be moved from that. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 1014, regarding Georgia S. Haley, Lonedell, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **SCS** for **HB 542** and has taken up and passed **SS** for **SCS** for **HB 542**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 342**, entitled:

An Act to repeal sections 178.550, 192.300, 196.311, 267.655, 304.180, 304.184, 348.521, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nineteen new sections relating to agriculture, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5, 6, and 7.

**HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 342, Page 1, Lines 12-14, by deleting all of said lines and inserting in lieu thereof the following:

“fee shall range from one hundred to [two thousand] five hundred dollars per year. Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 342, Page 11, Section 267.655, Line 14, by inserting after all of said section and line the following:

“273.327. **1.** No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the license fee shall range from one hundred to two thousand five hundred dollars per year, **except for commercial breeders for which the license fee shall range from one hundred to one thousand dollars per year.** Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of twenty-five dollars to be used by the

department of agriculture for the purpose of administering operation bark alert or any successor program. Pounds or dog pounds shall be exempt from payment of the fees under this section. License fees shall be levied for each license issued or renewed on or after January 1, 1993.

2. Effective January 1, 2014, an animal shelter shall be exempt from the payment of any and all fees set out in this section.

3. Prior to January 1, 2014, the director, upon promulgation of rules, may exempt any animal shelter from payment of any or all fees set out in this section.

4. In addition to other duties imposed by this section, the director may also deny any applicant of an animal shelter license or revoke the license of any animal shelter licensee, if it is determined by the director that the applicant or the licensee unreasonably profits from the charges for adoption or sales of its animals.”; and

Further amend said bill, Page 19, Section 578.009, Lines 3-4, by deleting all of said lines and inserting in lieu thereof the words “substantial harm to the animal.”; and

Further amend said bill, Section 578.011, Lines 3-4, by deleting all of said lines and inserting in lieu thereof the words “**exceeding twelve hours.**”; and

Further amend said bill, Page 20, Section 578.012, Lines 6-9, by deleting all of said lines and inserting in lieu thereof the words “[or adequate control] **which results in substantial harm to the animal.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 342, Page 2, Lines 22-28, by deleting all of said lines from the amendment; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 342, Pages 4-5, Section 192.300, Lines 1-35, by deleting all of said section and lines from the bill and inserting in lieu thereof the following:

“192.300. **1.** The county commissions [and] **or** the county health center boards of the several counties **with the concurrence of their respective county commission** may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter, **or by the department of natural resources under chapters 640, 643, and 644**, or by the department of social services under chapter 198. The county commissions [and] **or** the county health center boards of the several counties **with the concurrence of their respective county commission** may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities

for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission or county health board, such commission or county health board shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

2. In regards to any orders, ordinances, rules, or regulations pertaining to the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, the county commissions or the county health center boards with the concurrence of their respective county commission shall:

(1) Not assess a fee greater than two hundred dollars to carry out such orders, ordinances, rules, or regulations; or

(2) Not impose requirements on land application that are more stringent than imposed by a permit issued by the department of natural resources.

3. Any orders, ordinances, rules, or regulations pertaining to the production or raising of livestock, adopted by the county commissions or the county health center boards with the concurrence of their respective county commission shall be administered by county staff who are certified as concentrated animal feeding operators by the department of natural resources.”; and

Further amend said bill, Page 10, Section 262.795, Line 2, by deleting the word “**agricultural**” and inserting in lieu thereof the word “**agriculture**”; and

Further amend said bill and page, Section 267.655, Line 3, by inserting immediately after the first occurrence of the word “**the**” the word “**department**”; and

Further amend said bill, Pages 11-15, Sections 304.180 and 304.184, by deleting all of said sections from the bill; and

Further amend said bill, Page 15, Section 442.571, Line 4, by deleting the words “**one-half of**”; and

Further amend said bill, page, section and line, by inserting after the word “**no**” the word “**such**”; and

Further amend said bill and section, Page 16, Line 13, by inserting after the word “**All**” the word “**such**”; and

Further amend said bill and section, Page 16, Line 16, by deleting the words “**one-half of**”; and

Further amend said bill, Page 18, Section 570.030, Line 37, by placing an opening bracket “[” before the word “Any”; and

Further amend said bill, page and section, Line 38, by placing a closing bracket “]” immediately after “(k)”; and

Further amend said bill, section, and page by renumbering the paragraphs accordingly; and

Further amend said bill, Page 20, Section 1 and Section 2, by deleting all of said sections from the bill;

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 342, Page 20, Section 578.012, Line 13, by inserting after all of said section and line the following:

“644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.”; and

Further amend said bill, Page 20, Section 2, Line 6, by inserting after all of said section and line the following:

“Section 3. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 342, Page 1, Section A, Line 5, by inserting after all of said section and line, the following:

“ 64.196. 1. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance adopted under this section shall conflict with liquified petroleum gas installations regulations established under section 323.020.

135.710. 1. As used in this section, the following terms mean:

(1) “Alternative fuels”, any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;
- (b) Natural gas;
- (c) Compressed natural gas, **or CNG**;
- (d) Liquified natural gas, **or LNG**;
- (e) Liquified petroleum gas, **LP gas, propane, or autogas**;

(f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

(g) Hydrogen;

(2) “Department”, the department of natural resources;

(3) “Eligible applicant”, a business entity that is the owner of a qualified alternative fuel vehicle refueling property **or makes more than twenty-five qualified conversions in a one-year period;**

(4) **“Motor vehicle”, any automobile, truck, truck-tractor, or any motor bus or self propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:**

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds; or

(b) A vehicle solely operated on rails;

(5) “Qualified alternative fuel vehicle refueling property”, property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens which, if constructed after August 28, 2008, was constructed with at least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

(a) Fabrication of premanufactured equipment or process piping used in the construction of such facility;

(b) Construction of such facility; and

(c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply;

[5] (6) “Qualified Missouri contractor”, a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years.

2. For all tax years beginning on or after January 1, [2009] **2014**, but before January 1, [2012] **2017**, any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the refueling property. The credit allowed in this [section] **subsection** per eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling property, which shall not include the following:

(1) Costs associated with the purchase of land upon which to place a qualified alternative fuel vehicle refueling property;

(2) Costs associated with the purchase of an existing qualified alternative fuel vehicle refueling property;
or

(3) Costs for the construction or purchase of any structure.

3. Tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing facilities were placed in service at a

qualified alternative fuel vehicle refueling property, and shall be applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section shall not exceed [the following amounts:

- (1) In taxable year 2009, three million dollars;
- (2) In taxable year 2010, two million dollars; and
- (3) In taxable year 2011,] one million dollars **per year**.

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. An alternative fuel vehicle refueling property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the alternative fuel vehicle refueling property ceased to sell alternative fuel and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

7. Any eligible applicant desiring to claim a tax credit under this section shall submit the appropriate application for such credit with the department. The application for a tax credit under this section shall include any information required by the department. The department shall review the applications and certify to the department of revenue each eligible applicant that qualifies for the tax credit.

8. The department and the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, [2008] **2013**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Grain and other agricultural crops in an unmanufactured condition” shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term “processing” shall not include hulling, cleaning, drying, grating, or polishing;

(2) “Hydroelectric power generating equipment”, very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) “Intangible personal property”, for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for **generation, transportation or storage** of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, **propane or LP gas, solar or wind power equipment**, water, and sewage;

(5) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and

on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reverter of the property within the limitation period for reverters;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;

(10) Equipment or property with a retail value of fifty thousand dollars or less required for the use, transmission, generation or storage of alternative or renewable energy as used in an eligible alternative energy operation as defined under section 30.750 or alternative fuels as defined under section 135.710 and section 414.400, used either for fleet, transportation, power generation, heat or other such application. Said equipment shall be exempt from the assessment of any state, county or local property taxes for such time as the equipment, property or installation is in working order

142.800. As used in this chapter, the following words, terms and phrases have the meanings given:

(1) **“Additive”, a substance designed to increase engine power or performance introduced by injection or other means into a fuel system but which is not capable of propelling the vehicle without the primary fuel. Use of additives fuels does not require compliance with subsection 1 of section 142.869;**

(2) **“Agricultural purposes”, clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same; operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;**

[(2)] (3) **“Alternative fuel”, electricity, liquefied petroleum gas (LPG [or] , LP gas, propane or autogas), compressed natural gas product (CNG, liquified natural gas or LNG), or a combination of liquefied petroleum gas and a compressed natural gas or electricity product used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas;**

[(3)] (4) **“Aviation fuel”, any motor fuel specifically compounded for use in reciprocating aircraft engines;**

[(4)] (5) **“Blend stock”, any petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products presently defined by the Internal Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended. However, the term does not include any substance that:**

(a) Will be ultimately used for consumer nonmotor fuel use; and

(b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the removal or sale;

[(5)] (6) **“Blended fuel”, a mixture composed of motor fuel and another liquid including blend stock, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;**

[(6)] (7) **“Blender”, any person that produces blended motor fuel outside the bulk transfer/terminal system;**

[(7)] (8) **“Blending”, the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases;**

[(8)] (9) **“Bulk plant”, a bulk motor fuel storage and distribution facility that is not a terminal within the bulk transfer system and from which motor fuel may be removed by truck;**

[(9)] (10) **“Bulk transfer”, any transfer of motor fuel from one location to another by pipeline tender or marine delivery within the bulk transfer/terminal system;**

[(10)] (11) **“Bulk transfer/terminal system”, the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk**

transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

[(11)] **(12)** “Consumer”, the user of the motor fuel;

[(12)] **(13)** “Delivery”, the placing of motor fuel or any liquid into the fuel tank of a motor vehicle or bulk storage facility;

[(13)] **(14)** “Department”, the department of revenue;

[(14)] **(15)** “Destination state”, the state, territory, or foreign country to which motor fuel is directed for delivery into a storage facility, a receptacle, a container, or a type of transportation equipment for the purpose of resale or use;

[(15)] **(16)** “Diesel fuel”, any liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. “Diesel fuel” does not include jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel and remit taxes on its sale or use to the Internal Revenue Service. “Diesel fuel” does not include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;

[(16)] **(17)** “Diesel-powered highway vehicle”, a motor vehicle operated on a highway that is propelled by a diesel-powered engine;

[(17)] **(18)** “Director”, the director of revenue;

[(18)] **(19)** “Distributor”, a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

[(19)] **(20)** “Dyed fuel”, diesel fuel or kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

[(20)] **(21)** “Eligible purchaser”, a distributor who has been authorized by the director to purchase motor fuel on a tax-deferred basis;

[(21)] **(22)** “Export”, to obtain motor fuel in this state for sale or other distribution outside of this state. In applying this definition, motor fuel delivered out of state by or for the seller constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser constitutes an export by the purchaser;

[(22)] **(23)** “Exporter”, any person, other than a supplier, who purchases motor fuel in this state for the purpose of transporting or delivering the fuel outside of this state;

[(23)] **(24)** “Farm tractor”, all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this state;

[(24)] **(25)** “Fuel grade alcohol”, a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from such alcohol for blending

with motor fuel;

[(25)] (26) “Fuel transportation vehicle”, any vehicle designed for highway use which is also designed or used to transport motor fuels and includes transport trucks and tank wagons;

[(26)] (27) “Gasoline”, all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an American Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined by the motor method;

[(27)] (28) “Gross gallons”, the total measured motor fuel, exclusive of any temperature or pressure adjustments, in U.S. gallons;

[(28)] (29) “Heating oil”, a motor fuel that is burned in a boiler, furnace, or stove for heating or industrial processing purposes;

[(29)] (30) “Import”, to bring motor fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel delivered into this state from out-of-state by or for the purchaser constitutes an import by the purchaser;

[(30)] (31) “Import verification number”, the number assigned by the director with respect to a single transport truck delivery into this state from another state upon request for an assigned number by an importer or the transporter carrying motor fuel into this state for the account of an importer;

[(31)] (32) “Importer” includes any person who is the importer of record, pursuant to federal customs law, with respect to motor fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of motor fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is the importer;

[(32)] (33) “Interstate motor fuel user”, any person who operates a motor fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this state into another state or from another state into this state;

[(33)] (34) “Invoiced gallons”, the gallons actually billed on an invoice for payment to a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

[(34)] (35) “K-1 kerosene”, a petroleum product having an A.P.I. gravity of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

[(35)] (36) “Kerosene”, the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

[(36)] (37) “Liquid”, any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

[(37)] (38) “Motor fuel”, gasoline, diesel fuel, kerosene and blended fuel;

[(38)] (39) “Motor vehicle”, any automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable

of movement on roads at low speeds, or

(b) A vehicle solely operated on rails;

[(39)] (40) “Net gallons”, the motor fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute (psi);

[(40)] (41) “Permissive supplier”, an out-of-state supplier that elects, but is not required, to have a supplier’s license pursuant to this chapter;

[(41)] (42) “Person”, natural persons, individuals, partnerships, firms, associations, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, federally recognized Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

[(42)] (43) “Position holder”, the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

[(43)] (44) “Propel”, the operation of a motor vehicle, whether it is in motion or at rest;

[(44)] (45) “Public highway”, every road, toll road, highway, street, way or place generally open to the use of the public as a matter of right for the purposes of vehicular travel, including streets and alleys of any town or city notwithstanding that the same may be temporarily closed for construction, reconstruction, maintenance or repair;

[(45)] (46) “Qualified terminal”, a terminal which has been assigned a terminal control number (“tcn”) by the Internal Revenue Service;

[(46)] (47) “Rack”, a mechanism for delivering motor fuel from a refinery or terminal into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk transfer/terminal system;

[(47)] (48) “Refiner”, any person that owns, operates, or otherwise controls a refinery;

[(48)] (49) “Refinery”, a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by boat or barge, or at a rack;

[(49)] (50) “Removal”, any physical transfer of motor fuel from a terminal, manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;

[(50)] (51) “Retailer”, a person that engages in the business of selling or dispensing to the consumer within this state;

[(51)] (52) “Supplier”, a person that is:

(a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

(b) One or more of the following:

a. The position holder in a terminal or refinery in this state;

b. Imports motor fuel into this state from a foreign country;

c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive supplier unless specifically provided otherwise;

[(52)] **(53)** "Tank wagon", a straight truck having multiple compartments designed or used to carry motor fuel;

[(53)] **(54)** "Terminal", a bulk storage and distribution facility which includes:

(a) For the purposes of motor fuel, is a qualified terminal;

(b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack;

[(54)] **(55)** "Terminal bulk transfers" include but are not limited to the following:

(a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;

(b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;

(c) Book transfers of product within a terminal between suppliers prior to completion of removal across the rack; and

(d) Two-party exchanges or buy-sell supply arrangements within a terminal between licensed suppliers;

[(55)] **(56)** "Terminal operator", any person that owns, operates, or otherwise controls a terminal. A terminal operator may own the motor fuel that is transferred through or stored in the terminal;

[(56)] **(57)** "Transmix", the buffer or interface between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;

[(57)] **(58)** "Transport truck", a semitrailer combination rig designed or used to transport motor fuel over the highways;

[(58)] **(59)** "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged in the business of transporting motor fuels;

[(59)] **(60)** "Two-party exchange", a transaction in which the motor fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier and:

(a) Which transaction includes a transfer from the person that holds the original inventory position for motor fuel in the terminal as reflected on the records of the terminal operator; and

(b) The exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner. However, in any event, the terminal operator in its books and records treats the receiving exchange

party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this state;

[(60)] **(61)** “Ultimate vendor”, a person that sells motor fuel to the consumer;

[(61)] **(62)** “Undyed diesel fuel”, diesel fuel that is not subject to the United States Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with Internal Revenue Service fuel dyeing provisions; and

[(62)] **(63)** “Vehicle fuel tank”, any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the motor vehicle.

142.869. 1. The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each

complete month which shall have elapsed since the beginning of such year.

4. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

5. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the [LP gas or natural gas equipment] **alternative fuel system** is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

6. It shall be unlawful for any [person] **Missouri resident** to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal.

7. No person shall cause to be put, or put, **electricity**, LP gas or natural gas into the fuel supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle has a valid decal attached to it.

(1) Sales of [fuel] **all alternative fuels** placed in the supply receptacle of a motor vehicle [displaying such decal] shall be recorded upon an invoice, which invoice shall include the decal number, **if applicable**, the motor vehicle license number and the number of gallons placed in such supply receptacle. **Such invoices shall be kept by the seller for a period of two years.**

(2) **Sales of all vehicles propelled by alternative fuels, whether through qualified conversion or equipped by the original manufacturer shall be reported to the department annually.**

8. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

9. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 342, Page 10, Section 262.795, Line 13, by inserting after all of said line the following:

“262.975. 1. The department of agriculture may contract with an internet website development company to build and maintain the “Missouri International Agricultural Exchange” website. Such website shall contain content approved by the department to promote Missouri agricultural products and services to international agricultural buyers.

2. The exchange shall allow Missouri-based agricultural sellers to post their products produced in this state on the website at no charge to assist in marketing such products to international buyers. All sellers shall be required to register through the website and show proof of Missouri residency and other information as required by the department. Except for advertising under subdivision (2) of subsection 3 of this section, only agricultural products and services produced in this state shall be allowed on the exchange website.

3. The state of Missouri shall have exclusive rights of ownership of all website content produced

on the Missouri international agricultural exchange website, including but not limited to all creative materials, copyrights, photographs, or illustrations contained on the website. Subject to department approval, the website developer is authorized to:

(1) Use all informational content provided by the department of agriculture, add to such content, and apply search engine optimization to the website content to achieve a high search engine ranking;

(2) Sell advertising on the exchange website to any entity that will benefit from marketing to international agriculture producers and buyers. The website developer shall be solely responsible for all costs associated with the development, marketing, and maintenance of the exchange website, with the website developer retaining all advertising revenues obtained from such exchange website to provide the financing for such exchange website;

(3) Prohibit the sale of advertising to any entity on the exchange website that is not related to agriculture or furthers the interest of hate content, obscenity and sexual material, bombs, spyware, adult content, political content, antigroup content and violence, discrimination, political campaigns or causes, public advocacy or lobbying, copyrighted works, counterfeit designer goods, drug and drug paraphernalia, fake documents, gambling, hacking and cracking sites, miracle cures, prostitution, scams, phishing for personal information, tobacco and cigarettes and traffic devices, and other types of advertising deemed not appropriate by the director; and

(4) Ensure that all website content shall be named a “.com” domain to allow for advertisement.

4. The website developer shall:

(1) Have proven experience and expertise in search engine optimization, as determined by the department or the department of economic development;

(2) Provide evidence of prior website development projects produced by the website developer which increased search engine rankings for the client.

5. The department of agriculture, in consultation with the department of economic development, shall review all applications and award one annual contract for the development, design, marketing, and maintenance of the exchange website, with annual renewals for continuing upgrades, marketing, and maintenance of the website. The department of agriculture shall have the authority to terminate any contract under this section at the department’s discretion. Any website developer under contract with the department of agriculture may have a contract terminated for failure to operate under the department’s guidelines for the exchange website. If a contract is terminated, the department shall immediately assume ownership of all site-related domain names. If a contract is terminated, the department shall award a new contract in accordance with the procedures for awarding the initial contract under this section.

6. The department of agriculture may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 342, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2019. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed three million dollars in any given fiscal year.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 342, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

“135.1590. 1. This section shall be known and may be cited as the “Show-Me Milk and Infrastructure Stabilization Act”.

2. As used in this section, the following terms mean:

(1) “Authority”, the Missouri agricultural and small business development authority established in chapter 348;

(2) “Qualified milk producer”, any resident taxpayer actively engaged in business as a producer of grade A milk.

3. For all taxable years beginning on or after January 1, 2013, a qualified milk producer shall be allowed a tax credit against the state tax liability incurred under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total aggregate allowable credit per year divided by the number of qualified grade A dairies as determined by the Missouri state milk board. The maximum credit allowed to a qualified milk producer shall not exceed twenty-five thousand dollars per year.

4. Taxpayers shall apply for the milk production tax credit by submitting an application to the authority, on a form provided by the authority. As part of the application, the taxpayer shall provide his or her producer identification number and documentation as to the amount of milk produced by his or her operation during the tax credit allowance period.

5. On or before January 1, 2016, the authority shall issue a report, and make such report available for public inspection, on the total number of pounds of milk produced by each qualified milk producer in each of the three preceding calendar years.

6. The total aggregate amount of tax credits authorized under this section shall not exceed five million dollars in a calendar year.

7. Any individual or business entity may assign, transfer, or sell tax credits allowed in this section. All tax credits allowed under this section must be used in the year in which they are issued. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders.

8. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after January 1, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, Page 18, Section 570.030, Lines 45-46, by deleting all of said lines and inserting in lieu thereof the following:

“4. Notwithstanding any other provision of law, stealing of any animal considered livestock, as that term is defined in section 144.010, is a class B felony if the value of the livestock exceeds ten thousand dollars.”; and

Further amend said bill, Page 20, Section 1 and Section 2, by deleting all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 72**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 72, Page 1, In the Title, Line 3, by deleting the words “motorcycle awareness month” and inserting in lieu thereof the words “special awareness days”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

“9.149. December fourth shall be designated as “PKS Day” in Missouri. Pallister-Killian Mosaic Syndrome, commonly known as Pallister-Killian Syndrome or PKS, is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing impairments, seizure disorders, and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of Pallister-Killian Syndrome and

to support programs of research, education, and community service.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 75**, entitled:

An Act to repeal sections 32.090, 50.535, 57.010, 57.104, 57.280, 136.055, 221.070, 302.181, 571.010, 571.030, 571.037, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, and 650.350, RSMo, and to enact in lieu thereof twenty-four new sections relating to firearms, with penalty provisions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 75, Page 1, The Title, by deleting the word “firearms” and inserting in lieu thereof the words “public safety”; and

Further amend said substitute, said page, The Title, by inserting immediately after the word “provisions” the following:

“, and an emergency clause for certain sections”; and

Further amend said substitute, said page, Section 32.090, Lines 1-12, by removing all of said section from the substitute; and

Further amend said substitute, Page 2, Section 50.535, Line 2 by removing the phrase “10 and 11” and inserting in lieu thereof the phrase “[10 and 11] **11 and 12**”; and

Further amend said substitute, Page 3, Section 57.010, Line 22, by inserting immediately after said line the following:

“57.100. **1.** Every sheriff shall quell and suppress assaults and batteries, riots, routs, affrays and insurrections; shall apprehend and commit to jail all felons and traitors, and execute all process directed to him by legal authority, including writs of replevin, attachments and final process issued by circuit and associate circuit judges.

2. Beginning January 1, 2014, every sheriff shall maintain, house, and issue concealed carry permits as specified under chapter 571.”; and

Further amend said substitute, Page 3, Section 57.104, Lines 1-2 by removing said lines and inserting in lieu thereof the following:

“57.104. **1** The sheriff of any county of the first classification not having a charter form of government, **county of the second**”; and

Further amend said substitute, Pages 3-5, Section 57.280, Lines 1-5, by removing all of said Section from the Substitute; and

Further amend said substitute, Pages 5-6, Section 136.055, Lines 1-51, by removing all of said section from the substitute; and

Further amend said substitute, Pages 8-9, Section 302.065, Lines 1-29, by removing all of said section from the substitute; and

Further amend said substitute, Pages 12-14, Section 571.010, Lines 1-73, by removing said section from the substitute; and

Further amend said substitute, Page 19, Section 571.101, Lines 18-19 by deleting said lines and inserting in lieu thereof the following:

“2. A [certificate of qualification for a concealed carry endorsement] **concealed carry permit** issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or”; and

Further amend said substitute, Page 20, said section, Line 53, by inserting the words “**or closed**” immediately after the word “public”; and

Further amend said substitute, Page 22, said section, Line 152, by deleting the words “**certificate of qualification**” and inserting in lieu thereof the word “**permit**”; and

Further amend said substitute, Page 23, said section, Line 154, by deleting the word “**certificate**” and inserting in lieu thereof the word “**permit**”; and

Further amend said substitute, said page, said section, Line 158, by deleting the phrase “**certificate of qualification**” and insert in lieu thereof the word “**permit**”; and

Further amend said substitute, said page, said section, Line 160, by deleting the word “**certificate**” and insert in lieu thereof the word “**permit**”; and

Further amend said substitute, said page, said section, Line 162, by deleting the phrase “**department of revenue**” and insert in lieu thereof the phrase “**Missouri uniform law enforcement system**”; and

Further amend said substitute, said page, said section, Line 163, by deleting the phrase “**certification of qualification**” and insert in lieu thereof the phrase “**permit**”; and

Further amend said substitute, Page 24, said section, Line 205, by deleting said Line and inserting in lieu thereof the following:

“(4) **The expiration date.**

The permit shall be no larger than two inches wide by”; and

Further amend said substitute, said page, said section, Lines 210-211, by deleting the phrase “**certificate of qualification**” and inserting in lieu thereof the word “**permit**”; and

Further amend said substitute, said page, said section, Line 217, by inserting immediately after the word “**given**” the following:

“**to the members of MoSMART, created under section 650.350, for the dissemination of the information**”; and

Further amend said substitute, said page, said section, Lines 219-221, by deleting said Lines and inserting in lieu thereof the following:

“**of this subsection.**”; and

Further amend said substitute, said page, said section, Line 223 by deleting the phrase “**certificate of qualification**” and inserting in lieu thereof the word “**permit**”; and

Further amend said substitute, Page 25, said section, Line 227 by deleting the phrase “**certificate of qualification**” and inserting in lieu thereof the word “**permit**”; and

Further amend said substitute, said page, said section, Line 239, by inserting immediately after the word “**entity**” the following:

“, **except to MoSMART as provided under subsection 9 of this section**”; and

Further amend said Substitute, said page, said section, Line 245, by deleting said line and inserting in lieu thereof the following:

“in each county shall charge a nonrefundable fee not to exceed one hundred dollars which”; and

Further amend said substitute, said page, said section, Line 249, by deleting said line and inserting in lieu thereof the following:

“each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid”; and

Further amend said substitute, said page, said section, Line 254, by inserting immediately after said line the following:

“14. For the purposes of this chapter, “concealed carry permit” shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014 and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.”; and

Further amend said substitute, Page 26, Section 571.104, Lines 12-15 by deleting all of said lines and inserting in lieu thereof the following:

“an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry **permit or** endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the”; and

Further amend said substitute, Page 28, said section, Line 104, by deleting the phrase “[may] **shall**” and inserting in lieu thereof the word “**may**”; and

Further amend said substitute, said page, said section, Line 105, by deleting the opening bracket “[“ and closing bracket “]” around the phrase “not more than”; and

Further amend said substitute, Page 29, said section, Line 122, by deleting the word “**shall**” and inserting in lieu thereof the word “**may**”; and

Further amend said substitute, said page, said section, Line 140, by deleting the opening bracket “[“ and closing bracket “]” around the phrase “not more than”; and

Further amend said substitute, Page 34, Section 571.111, Line 18 by inserting an opening bracket “[“ before the word “by” and a closing bracket “]” after the word “217.105”; and

Further amend said substitute, Page 36, said section, Line 77 by deleting all of said line and inserting in lieu thereof the following:

“submit a copy of a training instructor certificate, course outline bearing notarized signature of instructor,”; and

Further amend said substitute, said page, said section, Line 81 by deleting the word “**to**” and inserting in lieu thereof the word “**by**”; and

Further amend said substitute, Page 40, Section 571.117, Line 77 by deleting the phrase “**certificate of qualification**” and inserting in lieu thereof the word “**permit**”; and

Further amend said substitute, Page 41, Section 571.121, Line 5 by inserting after the word “endorsement” the phrase “**or permit**”; and

Further amend said substitute, said page, Section 571.500, Line 3 by inserting immediately after the word “**the**” the phrase “**state or**”; and

Further amend said substitute, Page 42, Section 650.350, Line 20, by deleting said line and inserting in lieu thereof the following:

“created under section 57.278 **or money deposited into the concealed carry permit fund created under subsection 5 of this section**, all moneys appropriate to or received by MoSMART shall be”; and

Further amend said substitute, said page, said section, Line 29, by deleting the word “**Conceal**” and inserting in lieu thereof the word “**Concealed**”; and

Further amend said substitute, said page, said section, Lines 31-32, by removing the phrase “**distrubute at least fifty percent but not more than one hundred percent of the fund annually**” and insert in lieu thereof the phrase “**annually distribute all monies in the fund**”; and

Further amend said substitute, said page, said section, Line 36, by deleting the phrase “**conceal carry endorsements**” and insert in lieu thereof the phrase “**concealed carry permits**”; and

Further amend said substitute, said page, said section, Line 37, by inserting immediately after the word “**services.**” the following:

“**Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**”; and

Further amend said substitute, Page 43, Section 650.350, Line 60, by inserting immediately after said line the following:

“**10. Beginning August 28, 2013, the department of revenue shall begin transferring any records related to the issuance of a concealed carry permit to MoSMART for dissemination to the sheriff of the county or city not within a county in which the applicant or permit holder resides.**”; and

Further amend said substitute, Section 571.102, Page 43, Line 9, by inserting immediately after said line the following:

“Section B. Because immediate action is necessary to permit the MoSMART board to have proper funding necessary to implement the provisions of this act, the repeal and reenactment of section 650.350 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 650.350 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 75, Page 14, Section 571.010, Line 73, by

inserting after all of said section and line the following:

“571.011. 1. Any records of ownership of a firearm or applications for ownership, licensing, certification, permitting, or an endorsement that allows a person to own, acquire, possess, or carry a firearm shall not be open records under chapter 610 and shall not be open for inspection or their contents disclosed except by order of the court to persons having a legitimate interest therein.

2. Any person or entity who violates the provisions of this section is guilty of a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 117** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SCS** for **SB 224**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 73**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SB 57**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 73**, as amended. Representatives: Cornejo, Haahr, and Englund.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **SB 224**, as amended. Representatives: Torpey, McCaherty, and Rizzo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 57**, as amended. Representatives: Engler, Keeney, and Roorda.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey reappointed the following conference committee to act with a like committee from the House on **HCS** for **SB 57**, as amended: Senators Romine, Richard, Libla, McKenna and Sifton.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 224**, as amended: Senators Curls, Silvey, Wallingford, Pearce and Holsman.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 73**, as amended: Senators Schaefer, Brown, Dixon, McKenna and Holsman.

PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 9**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 9

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, with House Amendment Nos. 1, 2, 3, and 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 9;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce
/s/ Brian Munzlinger
/s/ David Sater
/s/ S. Kiki Curls
/s/ Maria Chappelle-Nadal

FOR THE HOUSE:

/s/ Casey Guernsey
/s/ Todd Richardson
/s/ Gina Mitten

Senator Pearce moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Pearce, **CCS No. 2** for **HCS** for **SCS** for **SB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 9

An Act to repeal sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Kraus—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Munzlinger, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 17**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 17

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute

for Senate Bill No. 17, with House Amendment Nos. 1, 2, 3, 4, 5 & 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 17;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger

/s/ John Lamping

/s/ Gary Romine

/s/ S. Kiki Curls

/s/ Maria Chappelle-Nadal

FOR THE HOUSE:

/s/ Mike Thomson

/s/ Dwight Scharnhorst

/s/ Genise Montecillo

Senator Munzlinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Munzlinger, **CCS** for **HCS** for **SCS** for **SB 17**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 17**

An Act to repeal sections 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, and 178.550, RSMo, and to enact in lieu thereof twelve new sections relating to education.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla

McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 127**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 127

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 127, with House Amendment Nos. 1 & 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 127, as amended;
2. That the Senate recede from its position on Senate Bill No. 127;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 127 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater
/s/ Jay Wasson
/s/ Gary Romine
/s/ Jason Holsman
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Donna Lichtenegger
/s/ Jay Barnes
/s/ Jeanne Kirkton

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna

Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Wallingford	Walsh	Wasson—31	

NAYS—Senator Emery—1

Absent—Senator Silvey—1

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Sater, **CCS** for **HCS** for **SB 127**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 127

An Act to repeal sections 208.146, 208.151, 208.152, 208.895, and 660.315, RSMo, and to enact in lieu thereof eight new sections relating to public assistance benefits.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Wallingford	Walsh	Wasson—31	

NAYS—Senator Emery—1

Absent—Senator Silvey—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **HB 184**; **SCS** for **HCS** for **HB 611**; and **HCS** for **HB 114**, begs leave to report that it has

considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 460**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 137**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 217**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HBs 455** and **297**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 756**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 543**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Parson moved that **SS** for **HB 184** be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 184** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 175**, with **SCS**, entitled:

An Act to repeal sections 67.457, 67.463, 67.469, 67.1521, 139.160, 139.170, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof eighteen new sections relating to procedures for the collection of local government funds.

Was called from the Informal Calendar and taken up by Senator Parson.

SCS for **HCS** for **HB 175**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 175

An Act to repeal sections 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, 140.665, and 140.730, RSMo, and to enact in lieu thereof fifteen new sections relating to procedures for the collection of local government funds.

Was taken up.

Senator Parson moved that **SCS** for **HCS** for **HB 175** be adopted.

Senator Parson offered **SS** for **SCS** for **HCS** for **HB 175**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 175

An Act to repeal sections 54.280, 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, and to enact in lieu thereof fifteen new sections relating to procedures for the collection of local government funds.

Senator Parson moved that **SS** for **SCS** for **HCS** for **HB 175** be adopted, which motion prevailed.

On motion of Senator Parson, **SS** for **SCS** for **HCS** for **HB 175** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Wasson, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 248**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 248

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 248, with House Amendment Nos. 1 & 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 248, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 248;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 248 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jay Wasson

/s/ Bob Dixon

/s/ Mike Cunningham

/s/ Jolie L. Justus

/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Lyndall Fraker

/s/ Sandy Crawford

/s/ Michele Kratky

Senator Wasson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Wasson, **CCS** for **SCS** for **SB 248**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 248

An Act to repeal sections 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, and to enact in lieu thereof fourteen new sections relating to property taxes.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Curls, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 262**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 262

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 262, with House Amendment Nos. 1, 2, 3, and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment Nos. 6 and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 262, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 262;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 262 be Third Read and Finally Passed.

FOR THE SENATE:
/s/ S. Kiki Curls
Scott Rupp
/s/ Michael L. Parson
/s/ Wayne Wallingford
/s/ Jolie L. Justus

FOR THE HOUSE:
/s/ Chris Molendorp
/s/ Dwight Scharnhorts
/s/ Margo McNeil

Senator Curls moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

Emery Kraus Lager Lamping Nieves—5

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Curls, **CCS** for **HCS** for **SS** for **SB 262**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to repeal sections 354.410, 354.415, 354.430, 376.405, 376.426, 376.777, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, and 376.1363, RSMo, and to enact in lieu thereof thirty new sections relating to health insurance, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

Emery Kraus Lager Lamping Nieves—5

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Holsman	Justus	Keaveny
Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed	Parson	Pearce
Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Walsh	Wasson—26						

Emery Kraus Lager Lamping Nieves—5

Absent—Senators

Dempsey Sifton—2

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

May 16, 2013

Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

Due to an unavoidable absence, until the end of the legislative day which began on May 16, 2013, or until my return to the Missouri State Capitol Building, whichever occurs first, I authorize the Senate Majority Floor Leader to exercise the following duties:

- Appoint conferees to conference committees
- Take Reports of Standing Committees
- Refer bills to the Committee on Governmental Accountability and Fiscal Oversight

Sincerely,
Tom Dempsey

HOUSE BILLS ON SECOND READING

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

HJR 17—Appropriations.

PRIVILEGED MOTIONS

Senator Dixon, on behalf of the conference committee appointed to act with a like committee from the House on **SB 327**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 327

The Conference Committee appointed on Senate Bill No. 327, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 327, as amended;
2. That the Senate recede from its position on Senate Bill No. 327;
3. That the attached Conference Committee Substitute for Senate Bill No. 327, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bob Dixon
 /s/ Gary Romine
 /s/ Jay Wasson
 /s/ Jolie L. Justus
 /s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Elijah Haahr
 /s/ Robert Cornejo
 /s/ Jeff Roorda

Senator Dixon moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Dempsey—1

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Dixon, **CCS** for **SB 327**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 327**

An Act to repeal sections 478.007, 544.455, and 557.011, RSMo, and to enact in lieu thereof three new sections relating to the supervision of criminal offenders, with existing penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Kraus moved that **SCS** for **SB 118**, with **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 118** was taken up.

Senator Kraus moved that **HCS** for **SCS** for **SB 118** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Kraus, **HCS** for **SCS** for **SB 118** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Munzlinger, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 42**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 42

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, with House Amendment Nos. 1, 4, & 5, House Amendment No. 1 to House Amendment No. 3, and House Amendment No. 3, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 42;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ Michael L. Parson
/s/ Will Kraus
/s/ Maria Chappelle-Nadal
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Jay D. Houghton
/s/ Mike Colona

Senator Munzlinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Munzlinger, **CCS** for **HCS** for **SCS** for **SB 42**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 42

An Act to repeal sections 57.010, 57.104, 221.070, 313.321, 488.5028, 488.5320, and 590.205 as truly agreed to and finally passed by the first regular session of the ninety-seventh general assembly in senate committee substitute for house committee substitute for house bill no. 436, RSMo, and to enact in lieu thereof nine new sections relating to law enforcement agencies.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 157** and **SB 102**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157
AND
SENATE BILL NO. 102

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended and House Amendment No. 4,

begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 157 and Senate Bill No. 102, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater

/s/ Will Kraus

/s/ Ryan Silvey

/s/ Jolie Justus

/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Don Phillips

/s/ Tony Dugger

/s/ Mary Nichols

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Sater, **CCS** for **HCS** for **SCS** for **SB 157** and **SB 102**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157
AND
SENATE BILL NO. 102

An Act to repeal sections 407.300, 407.302, 407.303, and 407.485, RSMo, and to enact in lieu thereof five new sections relating to the disposition of personal property, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Wasson moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 117** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 117**: Senators Wasson, Dixon, Cunningham, Keaveny and LeVota.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended, and has taken up and passed **CCS** for **HCS** for **SS No. 2** for **SCS** for **SB 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 282**, entitled:

An Act to repeal sections 174.700, 174.703, 174.706, 302.302, 302.341, and 544.157, RSMo, and to enact in lieu thereof eleven new sections relating to the regulation of motor vehicles, with penalty provisions.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 6, Section

302.341, Line 46, by inserting after all of said line the following:

“304.152. 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. The provisions of this section shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 9, Section 304.894, Line 40, by inserting after all of said line and section the following:

“307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. A motorcycle may be equipped with a means of varying the brightness of the vehicle’s brake light for a duration of not more than five seconds upon application of the vehicle’s brakes.

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 3, Section 174.712, Line 5, by inserting after said line the following:

“302.291. 1. The director, having good cause to believe that an operator is incompetent or unqualified to retain his or her license, after giving ten days’ notice in writing by certified mail directed to such person’s present known address, may require the person to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the person to retain his or her license, may suspend, deny or revoke the person’s license, or may issue the person a license subject to restrictions as provided in section 302.301. If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the person to submit to further periodic examinations. The refusal or neglect of the person to submit to an examination within thirty days after the date of such notice shall be grounds for suspension, denial or revocation of the person’s license by the director, an associate circuit or circuit court. Notice of any suspension, denial, revocation or other restriction shall be provided by certified mail. As used in this section, the term “denial” means the act of not licensing a person who is currently suspended, revoked or otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing a previously issued license.

2. The examination provided for in subsection 1 of this section may include, but is not limited to, a written test and tests of driving skills, vision, highway sign recognition and, if appropriate, a physical and/or mental examination as provided in section 302.173.

3. The director shall have good cause to believe that an operator is incompetent or unqualified to retain such person’s license on the basis of, but not limited to, a report by:

(1) Any certified peace officer;

(2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed pursuant to chapter 335; any psychologist, social worker or professional counselor licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; **any emergency medical technician licensed pursuant to chapter 190**; or

(3) Any member of the operator’s family within three degrees of consanguinity, or the operator’s spouse, who has reached the age of eighteen, except that no person may report the same family member pursuant to this section more than one time during a twelve-month period. The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report.

4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to chapter 335, any psychologist, social worker or professional counselor licensed pursuant to chapter 337, or any optometrist licensed pursuant to chapter 336, **or any emergency medical technician licensed pursuant to chapter 190** may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or

assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals.

5. Any person who makes a report in good faith pursuant to this section shall be immune from any civil liability that otherwise might result from making the report. Notwithstanding the provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and maintained by the department of revenue pursuant to this section shall be kept confidential except upon order of a court of competent jurisdiction or in a review of the director's action pursuant to section 302.311.

6. The department of revenue shall keep records and statistics of reports made and actions taken against driver's licenses pursuant to this section.

7. The department of revenue shall, in consultation with the medical advisory board established by section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers pursuant to this section. The guidelines shall be published and adopted as required for rules and regulations pursuant to chapter 536. The department of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section. The guidelines and regulations implementing this section shall be in compliance with the federal Americans with Disabilities Act of 1990.

8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

9. Any person who intentionally files a false report pursuant to this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

10. All appeals of license revocations, suspensions, denials and restrictions shall be made as required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation, suspension, denial or restriction.

11. Any individual whose condition is temporary in nature as reported pursuant to the provisions of subsection 4 of this section shall have the right to petition the director of the department of revenue for total or partial reinstatement of his or her license. Such request shall be made on a form prescribed by the department of revenue and accompanied by a statement from a health care provider with the same or similar license as the health care provider who made the initial report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the director of the department of revenue within thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 7, Section 304.892, Line 17, by deleting the word “**may**” on said line and inserting in lieu thereof the word “**shall**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Parson moved that the Senate refuse to concur in **HCS** for **SB 342**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Schaefer moved that **SB 72**, with **HA 1** be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

McKenna Rupp—2

Vacancies—None

On motion of Senator Schaefer, **SB 72**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

McKenna Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Silvey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 256**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 256

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, with House Amendment Nos. 1, 2, & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 256;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Ryan Silvey
/s/ Gary Romine
/s/ David Sater
/s/ Jolie Justus
/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Noel Torpey
/s/ Dave Hinson
/s/ Kevin McManus

Senator Silvey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Lager Schaaf—2

Absent—Senators—None

Absent with leave—Senators

McKenna Rupp—2

Vacancies—None

On motion of Senator Silvey, **CCS** for **HCS** for **SCS** for **SB 256**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 256

An Act to repeal sections 160.2100, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof five new sections relating to child abuse and neglect.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Lager Schaaf—2

Absent—Senators—None

Absent with leave—Senators

McKenna Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Brown moved that the Senate refuse to concur in **HCS** for **SB 75**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 1015, regarding Thomas B. Mulhearn, which was adopted.

Senator Nasheed offered Senate Resolution No. 1016, regarding Carol Henderson-Powell, which was

adopted.

Senator Schaefer offered Senate Resolution No. 1017, regarding Dr. Sandra Logan, Columbia, which was adopted.

Senator Emery offered Senate Resolution No. 1018, regarding Rebecca Ann Emery, which was adopted.

Senator Curls offered Senate Resolution No. 1019, regarding Melissa Stone, St. Joseph, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 117**. Representatives: Dugger, Crawford, and Conway (10).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 342**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HB 103** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

Senator Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 342**, as amended: Senators Parson, Kehoe, Cunningham, McKenna and LeVota.

REFERRALS

Senator Richard referred **HCS** for **HBs 455** and **297**; and **HB 756** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

Senator Kraus moved that **SCS** for **HCS** for **HB 611**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 611**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dixon	Emery	Kehoe	Kraus	Lager	Lamping
Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Silvey	Wallingford	Wasson—21			

NAYS—Senators

Chappelle-Nadal	Holsman	Justus	Keaveny	Nasheed	Sifton	Walsh—7
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Absent—Senators

Curls LeVota Schmitt—3

Absent with leave—Senators

Dempsey McKenna Rupp—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Dixon move that **HB 116**, with **SCS**, **SS** for **SCS** and **SA 2** (pending) be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Dixon, **SS** for **SCS** for **HB 116** was withdrawn rendering **SA 2** moot.

Senator Dixon offered **SS No. 2** for **SCS** for **HB 116**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 116

An Act to repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, 86.1630, 103.025, 104.190, 104.480, 169.020, and 238.272, RSMo, and to enact in lieu thereof fifty new sections relating to public accounts, with penalty provisions and an emergency clause for a certain section.

Senator Dixon moved that **SS No. 2** for **SCS** for **HB 116** be adopted.

Senator Dixon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 118, Section 238.272, Lines 20-21 of said page, by striking the following: “or three percent of the expenditures made by the transportation district”.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 12, Section 29.221, Line 12 of said page, by inserting immediately after said line, the following:

“3. Any person may bring a civil action for a violation of Missouri law constituting improper

government activity as provided in subsection 2 of this section in the name of the state, if any state funds are involved, or for a political subdivision in the name of the political subdivision, if political subdivision funds are exclusively involved. The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action may be dismissed only with the written consent of the court and the attorney general or prosecuting authority of a political subdivision, or both.

(1) A complaint filed by a private person under this subsection shall be filed in a court of competent jurisdiction and may remain under seal for up to sixty days. No service shall be made on the defendant until after the complaint is unsealed.

(2) On the same day as the complaint is filed pursuant to subdivision (1) of this subsection, the qui tam plaintiff shall serve, by mail with “return receipt requested”, the attorney general with a copy of the complaint and a written disclosure of substantially all material evidence and information the person possesses.

(3) Within sixty days after receiving a complaint and written disclosure of material evidence and information alleging violations that involve state funds or political subdivision funds, the attorney general may elect to intervene and proceed with the action. The attorney general may, for good cause shown, move the court for extensions of the time during which the complaint shall remain under seal. Before the expiration of the sixty day period or any extensions, the attorney general shall either:

(a) Notify the court that it intends to proceed with the action, in which case the action shall be conducted by the attorney general and the seal shall be lifted;

(b) Notify the court that it declines to proceed with the action, in which case the seal shall be lifted and the qui tam plaintiff shall have the right to conduct the action.

(4) In any action commenced under this subsection, the qui tam plaintiff shall receive ten percent of the proceeds of the action or settlement of the claim.”.

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator Sifton offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 4, Section 29.005, Line 19 of said page, by inserting immediately after the word “court” the following: “**or any entity that receives any state funds whatsoever**”.

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator Munzlinger offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 19, Section 29.351, Line 5, by inserting immediately after said line, the following:

“**33.087. 1. Every department and division of the state that receives any grant of federal funds of one million dollars or more shall document and make the following information easily available to the public on the Missouri accountability portal established in section 37.850:**

(1) Any amount of funds it receives from the federal government;

(2) The name of the federal agency disbursing the funds;

(3) The purpose for which the funds are being received;

(4) The name of any state agency to which any portion of the funds are transferred by the initial receiving department or division, the amount transferred, and the purpose for which those funds are transferred; and

(5) The information provided to the department or division pursuant to subsection 2 of this section.

2. If a department or division receives a grant of federal funds and transfers a portion of such funds to another department or division, the department or division receiving the transferred funds shall report to the department or division from which the funds were transferred, an accounting of how the transferred funds were used and any statistical impact that can be discerned as a result of such usage.

3. All information referred to in subsection 1 of this section shall be updated within thirty days of any receipt or transferal of funds.

4. The office of administration shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

33.300. The governor, lieutenant governor, attorney general, [state auditor,] state treasurer, and commissioner of administration constitute the board of fund commissioners, of which the governor is president and the state treasurer, secretary. The board shall direct the payment of interest on the state debt, the redemption, issue and cancellation of bonds of the state, and perform all acts required of it by law.

37.850. 1. The commissioner of administration shall maintain the Missouri accountability portal established in executive order 07-24 as a free, Internet-based tool allowing citizens to demand fiscal discipline and responsibility.

2. The Missouri accountability portal shall consist of an easy-to-search database of financial transactions related to the purchase of goods and services and the distribution of funds for state programs; **all bonds issued by any public institution of higher education or political subdivision of this state or its designated authority after August 28, 2013, all obligations issued or incurred pursuant to section 99.820 by any political subdivision of this state or its designated authority, and the revenue stream pledged to repay such bonds or obligations; and all debt incurred by any public charter school.**

3. The Missouri accountability portal shall be updated each state business day and maintained as the primary source of information about the activity of Missouri's government.

4. Upon the conducting of a withholding or a release of funds, the governor shall submit a report stating all amounts withheld from the state's operating budget for the current fiscal year, as authorized by article IV, section 27 of the Missouri Constitution which shall be:

- (1) Conspicuously posted on the accountability portal website;
- (2) Searchable by the amounts withheld or released from each individual fund; and
- (3) Searchable by the total amount withheld or released from the operating budget.

5. Every political subdivision of the state, including public institutions of higher education but excluding school districts, shall supply all information described in subsection 2 of this section to the office of administration within seven days of issuing or incurring such corresponding bond or obligation. For all such bonds or obligations issued or incurred prior to the effective date of this act, every such political subdivision and public institution of higher education shall have ninety days to supply such information to the office of administration.

6. Every school district and public charter school shall supply all information described in subsection 2 of this section to the department of elementary and secondary education within seven days of issuing such bond, or incurring such debt. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration. For all such bonds issued or debt incurred prior to the effective date of this act, every school district and public charter school shall have ninety days to supply such information to the department of elementary and secondary education. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration.”; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 16, Section 29.235, Line 21, by striking the following: “For the purposes of this chapter” and inserting in lieu thereof, the following: **“Insofar as necessary to conduct an audit under this chapter”**.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 116, Page 36, Section 70.605, Line 7, by inserting immediately after said line, the following:

“86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) “Accumulated contributions”, the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) “Average final compensation”:

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

- (7) “Creditable service”, prior service plus membership service as provided in sections 86.200 to 86.366;
- (8) “DROP”, the deferred retirement option plan provided for in section 86.251;

(9) “Earnable compensation”, the annual salary **established under section 84.160** which a member would earn during one year on the basis of the member's rank or position [as specified in the applicable salary matrix] plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a “noneligible participant” is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) “Internal Revenue Code”, the federal Internal Revenue Code of 1986, as amended;

(11) “Mandatory contributions”, the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) **“Medical board”, the board of three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;**

(13) “Member”, a member of the retirement system as defined by sections 86.200 to 86.366;

[(13)] (14) “Members' interest”, interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(14)] (15) “Membership service”, service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case “membership service” means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)] (16) “Plan year” or “limitation year”, the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(16)] (17) “Policeman” or “police officer”, any member of the police force of such cities who holds a

rank in such police force;

[(17)] **(18)** “Prior service”, all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(18)] **(19)** “Reserve officer”, any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(19)] **(20)** “Retirement allowance”, annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)] **(21)** “Retirement system”, the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)] **(22)** “Surviving spouse”, the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.257. 1. Upon the application of [a member in service or of] the board of police commissioners **or any successor body**, any member who has completed ten or more years of creditable service **or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as determined by the system's annual actuarial valuation, of at least eighty percent, a member who has completed five or more years of creditable service** and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of [trustees of the police retirement system] **police commissioners or any successor body** upon certification by the medical [director] **board** of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical [director] **board** certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she

shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. 1. Any member **in active service** who is permanently unable to perform the **full and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall[, upon application,] be retired **by the board of police commissioners or any successor body** upon certification by [the medical director of the police retirement system and approval by the board of trustees of the police retirement system] **one or more physicians of the medical board** that the member is mentally or physically unable to perform the **full and unrestricted** duties of a police officer [and] , that the inability is permanent or [reasonably] likely to become permanent, **and that the member should be retired. The inability to perform the “full and unrestricted duties of a police officer” means the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners or any successor body.**

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted to the board of [trustees of the police retirement system] **police commissioners or any successor body** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical [director] **board** or such physicians as the medical [director] **board** appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued **by the board of trustees of the police retirement system** until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical [director] **board** certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, [and if the board of trustees concurs with the medical director's determination,] then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes

of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SS No. 2** for **SCS** for **HB 116**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SS No. 2** for **SCS** for **HB 116**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 24**, entitled:

An Act to repeal sections 64.170, 64.196, 64.205, 67.281, 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.259, 71.012, 71.014, 71.015, 72.401, 137.090, 137.095, 143.790, 144.030, 177.011, 177.088, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 190.100, 192.310, 228.369, 302.302, 302.341, 321.322, 321.690, 476.385, and 577.041, RSMo, and 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof fifty-four new sections relating to political subdivisions, with penalty provisions, and an emergency clause for a certain section, and an effective date for certain sections.

With House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6, 7, 8 and 9, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10, as amended, House Amendment Nos. 11, 12 and 13.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 24, Page 27, Section 137.095, Line 20, by inserting after all of said line the following:

“143.115. 1. As used in this section, the following terms mean:

(1) “Deduction”, an amount subtracted from the taxpayer’s Missouri adjusted gross income to

determine Missouri taxable income for the tax year in which such deduction is claimed;

(2) “Made in America”, manufactured or produced within the United States of America or, if premanufactured, having a fair market value at least seventy percent of which results from domestic labor and materials;

(3) “Storm shelter”, an above-ground safe room or an in-ground shelter in this state in the taxpayer’s primary residence or on the taxpayer’s real property that protects from injury or death caused by dangerous and extreme windstorms, that is in compliance with the requirements established in the Federal Emergency Management Agency’s Publication 320 or its successor publication in effect at the time the storm shelter was completed, and that is made in America;

(4) “Taxpayer”, any individual who is a resident of this state and who is subject to the income tax imposed in this chapter.

2. In addition to all deductions listed in this chapter, for all taxable years beginning on or after January 1, 2014, a taxpayer shall be allowed a deduction for the costs incurred in constructing or installing a storm shelter. The deduction amount shall be equal to the lesser of the full amount of the costs incurred in constructing the storm shelter or two thousand five hundred dollars. No taxpayer shall claim a tax deduction more than once under this section, and no deduction shall be issued for more than one storm shelter constructed or installed by such taxpayer for the taxpayer’s primary residence.

3. The aggregate amount of tax deductions which may be issued under this section in any one fiscal year shall not exceed two million dollars. If the amount of tax deductions claimed under this section exceeds two million dollars, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax deductions are equally apportioned among all taxpayers allowed a tax deduction under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax deductions possible up to the cumulative amount of tax deductions available for the fiscal year.

4. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed, and may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 24, Page 26, Section 92.387, Line 2, by inserting after all of said section and line, the following:

“96.155. 1. The board of trustees of a hospital established under this chapter, with the concurrence of the council of the city of the third class, may, by resolution, abolish the property tax authorized by section 96.150 to fund the operations of a hospital in accordance with sections 96.150 to 96.228 and impose a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the operations of a hospital under sections 96.150 to 96.228. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the board of trustees of such a hospital submits to the voters residing within the city of the third class at a state general, primary, or special election a proposal to authorize the board of trustees to impose a tax under this section. If two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If less than two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by two-thirds of the qualified voters voting on the question. The question shall be submitted in the following form:

Shall the board of trustees of _____ (hospital, nursing home, or convalescent home, etc.) and the city council of _____ (name of city) abolish the property tax established to support such facility and replace the property tax with a city sales tax of _____ (insert rate of percent) for the purpose of equipping, operating, and maintaining such facility?

YES NO

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital operated under sections 96.150 to 96.228, except for one percent for the cost of collection which shall be deposited in the state’s general revenue fund, shall be deposited in a special

trust fund, which is hereby created and shall be known as the “City of the Third Class City Hospital Sales Tax Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the board of trustees of the city hospital for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such board of trustees. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city of the third class. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city of the third class equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the board of trustees shall submit to the voters of the city of the third class a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the board of trustees shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city of the third class, the director shall remit the balance in the account to the district and close the account of that city hospital. The director shall notify each board of trustees of each instance of any amount refunded or any check redeemed from receipts due the hospital operated under sections 96.150 to 96.228.

7. All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 to 32.087, governing local sales taxes, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified by this section.”; and

Further amend said bill, Page 45, Section 144.030, Line 288, by inserting after all of said section and line, the following:

“144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570 **or sections 96.150 to 96.228**, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729 **or section 205.205, or any hospital district imposing a sales tax under the provisions of section 206.165**, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.”; and

Further amend said bill, Page 62, Section 192.310, Line 7, by inserting after all of said section and line, the following:

“205.205. 1. The governing body of any [hospital district] **county which has established a county hospital** under sections 205.160 to 205.379 [in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants or any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants] may, by resolution, abolish the property tax authorized [in such district] **by section 205.200 to fund a county hospital** under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the **county** hospital [district]. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the [hospital district] **county** submits to the voters residing within the [district] **county** at a state general, primary, or special election a proposal to authorize the governing body of the [district] **county** to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. **The question shall be submitted in the following form:**

Shall the board of trustees of _____ (hospital, nursing home, or convalescent home, etc.) and the city council of _____ (name of city) abolish the property tax established to support such facility and replace the property tax with a city sales tax of _____ (insert rate of percent) for the purpose of equipping, operating, and maintaining such facility?

YES NO

3. All revenue collected under this section by the director of the department of revenue on behalf of the **county** hospital [district], except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "**County** Hospital [District] Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any [hospital district] **county** that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the [district] **county** equal to at least ten percent of the number of registered voters of the [district] **county** voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the [district] **county** a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the [hospital district] **county** shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the [district] **county** and close the account of that [district] **county**. The director shall notify each [district] **county** of each instance of any amount refunded or any check redeemed from receipts due the [district] **county**.

7. The levy of a sales tax by a county under this section or section 205.202 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters

of the county.

8. All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 to 32.087, governing local sales taxes, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified by this section.

206.165. 1. The governing body of any hospital district established under sections 206.010 to 206.160 may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall not be more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. The question shall be submitted in the following form:

Shall the board of trustees of _____ (hospital, nursing home, or convalescent home, etc.) and the city council of _____ (name of city) abolish the property tax established to support such facility and replace the property tax with a city sales tax of _____ (insert rate of percent) for the purpose of equipping, operating, and maintaining such facility?

YES NO

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. The levy of a sales tax by a hospital district under section 205.205 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the hospital district.

8. All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 to 32.087, governing local sales taxes, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified by this section.”; and

Further amend said bill, Page 96, Section 321.690, Line 28, by inserting after all of said section and line, the following:

“407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect [donations of] unwanted household items via a public receptacle and resell the [donated] **deposited** items for profit unless the [donation] **deposited item** receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “[DONATIONS]

DEPOSITED ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE”.

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization’s name).”

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the nonprofit beneficiary organization’s name)”.

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)”.

[4.] 5. The term “bold letters” as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

[5.] 6. Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

[6.] 7. Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

8. All donation receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. For any receptacles covered in this section, the owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or agent of the owner of the property where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed to in writing, the property owner or his or

her agent may remove the receptacle and any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

9. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 24, Page 7, Line 7, by inserting after all of said line the following:

“Further amend House Committee Substitute for Senate Bill No. 24, Page 96, Section 321.690, Line 28, by inserting after said line the following:

“407.312. 1. As used in this section, the following terms shall mean:

(1) “Florist”, any business that derives fifty percent or more of its gross income from the sale or arranging for the sale of flowers or floral arrangements;

(2) “Local telephone number”, a specific telephone number with area code and prefix assigned for the purpose of completing local calls between a calling party or station and any other party or station within a designated exchange or all of its designated local calling areas. The term “local telephone number” shall not mean long distance telephone numbers or any toll-free telephone numbers listed in a local telephone directory;

(3) “Person”, shall have the same meaning as in section 407.010.

2. A person shall not misrepresent the geographical location of a florist in a contact listing:

(1) In a telephone directory or other directory assistance database;

(2) On an internet website; or

(3) In a print advertisement.

3. A person is considered to misrepresent the geographical location of a florist for purposes of this section if the name of the florist indicates that the florist is located in a geographical area and:

(1) The florist is not physically located within the geographical area indicated;

(2) The listing fails to identify the municipality and state of the florist’s actual physical geographical location; and

(3) A telephone call to the local telephone number provided for the florist that is:

(a) Listed in the directory or database is routinely forwarded or transferred to a location that is

outside the calling area covered by the directory or database in which the number is listed; or

(b) Provided on the internet website or in a print advertisement is routinely forwarded or transferred to a location that is outside the calling area of the geographical area indicated by the name of the florist.

4. A person may place a contact listing for a florist under this section when the name of the florist indicates that it is located in a geographical area that is different from the geographical area in which the florist is actually physically located if a conspicuous notice in the listing states the municipality and state in which the florist is actually physically located.

5. This section shall not apply to:

(1) A publisher of a telephone directory or other publication, or a provider of a directory assistance service publishing or providing information about another business;

(2) An internet website that aggregates and provides information about other businesses;

(3) An owner or publisher of a print medium providing information about other businesses;

(4) An internet service provider; or

(5) An internet service that displays or distributes advertisements for other businesses.

6. A violation of this section shall be considered an unlawful practice under 407.020 and may be prosecuted in the same manner as any unlawful practice under that section.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 24, Page 26, Section 92.387, Line 2, by inserting after all of said line the following:

“99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation

of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision

collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under section 650.399 for the purpose of emergency communication systems**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent

of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the

commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 24 Page 2, Line 42, by inserting after all of said line the following:

“Further amend said bill, Page 26, Section 92.387, Line 2, by inserting after all of said section and line, the following:

“99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the “Special Allocation Fund” of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable, **except that if a political subdivision increases its rate of property taxation after the adoption of the redevelopment project said additional taxation revenues shall not be considered to be payment in lieu of taxes subject to capture under this section.** The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred

thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have

made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United

States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first

classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the “Missouri Supplemental Tax Increment Financing Fund”, to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 24, Page 62, Section 190.100, Line 168, by inserting after all of said section and line, the following:

“190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. [No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician’s license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record.] Each ground ambulance shall be staffed with

at least two licensed individuals when transporting a patient, except as provided in section 190.094.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is

authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 24, Page 3, Line 14, by inserting after all of said line, the following:

“Further amend said bill, Page 37, Section 143.790, Line 255, by inserting after all of said section and line, the following:

“144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of “retail sale” or “sale at retail” shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer’s trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer’s trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; or

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(14) The sale of the right under a contract of six months or more for the right of first refusal to purchase tickets for seating in a multi-purpose arena owned by a political subdivision and managed

or operated by a private business and located in a city with a population of more than three hundred thousand inhabitants which is located in more than one county, when the contract is not for the sale of the right to enter an event at such arena without the payment of an admission charge.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 24, Page 4, Section 67.281, Line 17, by inserting after all of said section and line, the following:

“67.1009. 1. The governing body of the following cities may impose a tax as provided in this section:

(1) Any city of the fourth classification with more than eight hundred thirty but fewer than nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than four thousand fifty but fewer than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than six tenths of one percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. Such tax shall be stated separately from all other charges and taxes.

3. The ballot of submission for any tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent up to six tenths of one percent)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not

become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend said bill, Page 26, Section 92.387, Line 2, by inserting after all of said section and line the following:

“94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in

such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under [subsections] **subsection 1**[, 2, and 3] of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 24, Page 30-37, Section 143.790, by deleting all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 24, Page 102, Section 577.041, Line 138, by inserting after all of said section and line the following:

“644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to

meet any new water quality standards or classifications prescribed by the commission.

Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 24, Page 102, Section 577.041, Line 138, by inserting after all of said Section and Line the following:

“577.665. 1. As used in this section, the following terms shall mean:

(1) “Tanning device”, any equipment that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers used for tanning of the skin, including but not limited to a sunlamp, tanning booth or tanning bed;

(2) “Tanning facility”, any location, place, area, structure, or business which provides persons access to any tanning device for a fee, membership dues, or any other form of compensation.

2. Prior to any person less than seventeen years of age using a tanning device in a tanning facility, a parent or guardian of such person shall annually appear in person at the tanning facility and sign a written statement acknowledging that the parent or guardian has read and understands the warnings given by the tanning facility and consents to the person’s use of a tanning device at the tanning facility.

3. Any person who violates the provisions of this section shall be subject to a fine of fifty dollars. Any tanning facility that violates the provisions of this section shall be subject to a fine of five hundred dollars for each violation. Every use of a tanning device in a tanning facility in violation of this section is a separate offense.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 24, Page 93, Section 302.525, Line 60, by inserting immediately after said line the following:

“311.055. 1. No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. Any intoxicating liquor manufactured under this section may not be offered for sale.

2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under sections 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization’s licensed premises as described in section 311.090.

311.091. 1. **Except as provided under subsection 2 of this section and** notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of [liquor] **alcohol and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. **Any person who possesses the qualifications required by this chapter and who meets the requirements of, and complies with the provisions of, this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry forty-five to ninety-nine passengers for hire on a lake with a shoreline that is in three counties, one of which is any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat, one of which is any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants as the county seat, and one of which is any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants. The boat must have a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.**

3. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year.

Section B. Because of the need to clarify the laws relating to beer brewed for personal or family use, the repeal and reenactment of section 311.055 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 311.055 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to House Committee Substitute for Senate Bill No. 24, Page 5, Line 19, by inserting after all of said line the following:

“Further amend said bill, Page 37, Section 143.790, Line 255, by inserting after all of said section and line the following:

“144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) “Admission” includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) “Business” includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) “Captive wildlife”, includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) “Gross receipts”, except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term “gross receipts” shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(5) “Livestock”, cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(6) “Motor vehicle leasing company” shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(7) “Person” includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust,

business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(8) “Purchaser” means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(9) “Research or experimentation activities” are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

(10) “Sale” or “sales” includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(11) “Sale at retail” means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term “sale at retail” shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events, **which shall only include dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions;**

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(12) “Seller” means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

(13) The noun “tax” means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(14) “Telecommunications service”, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer’s bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) “Product which is intended to be sold ultimately for final use or consumption” means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term “manufactured homes” shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the “Sales Tax Law”.

144.018. 1. Notwithstanding any other provision of law to the contrary, except as provided under subsection 2 or 3 of this section, when a purchase of tangible personal property or service subject to tax is made for the purpose of resale, such purchase shall be either exempt or excluded under this chapter if the subsequent sale is:

(1) Subject to a tax in this or any other state;

(2) For resale;

(3) Excluded from tax under this chapter;

(4) Subject to tax but exempt under this chapter; or

(5) Exempt from the sales tax laws of another state, if the subsequent sale is in such other state.

The purchase of tangible personal property by a taxpayer shall not be deemed to be for resale if such

property is used or consumed by the taxpayer in providing a service on which tax is not imposed by subsection 1 of section 144.020, except purchases made in fulfillment of any obligation under a defense contract with the United States government.

2. For purposes of subdivision (2) of subsection 1 of section 144.020, a place of amusement, entertainment or recreation, [including] **which shall only include games or athletic events, dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks, circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions**, shall remit tax on the amount paid for admissions or seating accommodations, or fees paid to, or in such place of amusement, entertainment or recreation. Any subsequent sale of such admissions or seating accommodations shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such admissions or seating accommodations is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the place of amusement, entertainment, or recreation to remit tax on that sale.

3. For purposes of subdivision (6) of subsection 1 of section 144.020, a hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public shall remit tax on the amount of sales or charges for all rooms, meals, and drinks furnished at such hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public. Any subsequent sale of such rooms, meals, or drinks shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such rooms, meals, or drinks is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly served to the public to remit tax on that sale.

4. The provisions of this section are intended to reject and abrogate earlier case law interpretations of the state's sales and use tax law with regard to sales for resale as extended in *Music City Centre Management, LLC v. Director of Revenue*, 295 S.W.3d 465, (Mo. 2009) and *ICC Management, Inc. v. Director of Revenue*, 290 S.W.3d 699, (Mo. 2009). The provisions of this section are intended to clarify the exemption or exclusion of purchases for resale from sales and use taxes as originally enacted in this chapter.

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, **or games and athletic events, which shall only include dance, theater, orchestra and other performing arts productions, commercial sports, spectator sports, gambling, racetracks, arcades, theme and amusement parks, water parks,**

circuses, carnivals, festivals, air shows, museums, marinas, motion picture theaters, and other commercial tourist attractions;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 24, Page 29, Section 143.145, Line 78, by inserting after all of said section and line the following:

“143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection:**

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] **(c)** For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] **a.** “Wholly in this state” if both the seller’s shipping point and the purchaser’s destination point are in this state;

[(b)] **b.** “Partly within this state and partly without this state” if the seller’s shipping point is in this state and the purchaser’s destination point is outside this state, or the seller’s shipping point is outside this state and the purchaser’s destination point is in this state;

[(c)] **c.** Not “wholly in this state” or not “partly within this state and partly without this state” only if both the seller’s shipping point and the purchaser’s destination point are outside this state[;].

(d) For purposes of this subdivision:

a. The purchaser’s destination point shall be determined without regard to the FOB point or other conditions of the sale[.] ; and

b. The seller’s shipping point is determined without regard to the location of the seller’s principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. “In this state” if the purchaser’s destination point is in this state;

b. Not “in this state” if the purchaser’s destination point is outside this state;

(d) For purposes of this subdivision, the purchaser’s destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser’s location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) “Administration services” include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) “Affiliate”, the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) “Distribution services” include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) “Investment company”, any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) “Investment funds service corporation” includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage

of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each

investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this

state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 24, Page 93, Section 302.525, Line 60, by inserting after all of said section and line the following:

“313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) “Adjusted gross receipts”, the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) “Applicant”, any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) “Bank”, the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) “Capital, cultural, and special law enforcement purpose expenditures” shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization,

parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) “Commission”, the Missouri gaming commission;

(7) **“Credit instrument”, a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person’s banking account on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;**

(8) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(8)] (9) “Excursion gambling boat”, a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

[(9)] (10) “Fiscal year” shall for the purposes of subsections 3 and 4 of section 313.820 mean the fiscal year of a home dock city or county;

[(10)] (11) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[(11)] (12) “Gambling excursion”, the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[(12)] (13) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

[(13)] (14) “Games of chance”, any gambling game in which the player’s expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[(14)] (15) “Games of skill”, any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player’s expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold’em”, “double down stud”, and any

video representation of such games;

[(15)] (16) “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

[(16)] (17) “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[(17)] (18) “Licensee”, any person licensed under sections 313.800 to 313.850;

[(18)] (19) “Mississippi River” and “Missouri River”, the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(19)] (20) “Supplier”, a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill [referred to in subdivision (14) of] **defined in** subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant’s or licensee’s home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

(1) Is it in the best interest of gaming to allow the game; and

(2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.812. 1. The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee’s initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats

licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- (1) The recommended number of licensed excursion gambling boats operating in such city or county;
- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- (4) The city or county proposed sharing of revenue with any other municipality;
- (5) Any other information such city or county deems necessary; and
- (6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise. 7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established [his] **the applicant's** good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. **Except as provided in section 313.817**, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, **other than a credit instrument**, must be deposited within twenty-four hours. **Except for any credit instrument**, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the

Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued

pursuant to sections 313.800 to 313.850;

(8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money **or credit instrument** of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. Credit instruments executed on or after August 28, 2013, are valid contracts creating debt that is enforceable by legal process. A licensee may accept credit instruments from a qualified person in exchange for chips, tokens, or electronic tokens that can be wagered on gambling games at the licensee's excursion gambling boat. For the purposes of this subsection, "qualified person" means a

person who has completed a credit application provided by the licensee and who is determined by the licensee, after performing a credit check and applying usual standards to establish creditworthiness, to qualify for a line of credit of at least five thousand dollars. Once the licensee makes the determination that a person is a qualified person, additional credit checks are not required. Approval to accept a credit instrument from a qualified person shall be made by the holder of an occupational license. A licensee may accept multiple credit instruments from the same person to consolidate or redeem a previous credit instrument. A lost or destroyed credit instrument shall remain valid and enforceable if the party seeking enforcement can prove its existence and terms. Any person who violates this subsection is subject only to the penalties provided in section 313.812. The commission shall have no authority to determine the validity or enforceability of a credit instrument or the enforceability of the debt that the credit instrument represents. Failure to comply with any regulation promulgated by the commission shall not impact the validity or enforceability of the credit instrument or the debt that the credit instrument represents.

313.830. 1. A person is guilty of a class D felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

(3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:

(1) Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;

(2) Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or

(3) Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat. 3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040.

4. A person commits a class D felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent

that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(3) Uses a device to assist in any of the following:

(a) In projecting the outcome of the game;

(b) In keeping track of the cards played;

(c) In analyzing the probability of the occurrence of an event relating to the gambling game; or

(d) In analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission;

(4) Cheats at a gambling game;

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of sections 313.800 to 313.850;

(6) Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of sections 313.800 to 313.850;

(7) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome;

(9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won;

(10) Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the intent that the other person plays or participates in that gambling game;

(11) Uses counterfeit chips or tokens in a gambling game;

(12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved by the commission, legal tender of the United States of America, or to use coin not of the denomination as the coin intended to be used in the gambling games;

(13) Has in the person's possession any device intended to be used to violate a provision of sections 313.800 to 313.850;

(14) Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of the gambling game; or

(15) Knowingly makes a false statement of any material fact to the commission, its agents or employees.

5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the devices for cheating.

6. Except for wagers on gambling games or exchanges for money **or a credit instrument** as provided in section 313.817, or as payment for food or beverages on the excursion gambling boat, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a class B misdemeanor.

7. If the commission determines that reasonable grounds to believe that a violation of sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission shall refer such matter to both the state attorney general and the prosecuting attorney or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations of sections 313.800 to 313.850 where such violations have occurred.

8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of the home dock city or county or such county where a home dock city is located.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 24, Page 3, Section A, Line 32,
by inserting after all of said section the following:

“32.070. 1. This act shall be known and may be cited as the “Streamlined Sales and Use Tax Agreement Act”.

2. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

3. In the first year after any federal legislation requiring vendors to collect sales and use tax uniformly on sales in all states has been adopted and in which the amount of state sales and use tax revenue collected under such federal legislation exceeds the amount of such revenues collected in the immediately preceding year by at least two hundred million dollars, the highest rate of the tax imposed on the Missouri taxable income of residents under chapter 143 shall be decreased from six percent to five and one half percent. The director of the department of revenue shall notify the revisor of statutes when such federal legislation is adopted and becomes effective in all states.

4. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.

5. For the purposes of representing the state as a member of the agreement and, if necessary,

amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

6. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement.

32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks.

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] **17** of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

[6.] **5.** On and after the effective date of any local sales tax imposed under the provisions of the local

sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] **6.** All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] **7.** All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] **8.** The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

[10.] **9.** All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] **10.** The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12. (1)] **11.** For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales[, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed

as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] **shall be sourced as provided by sections 144.040 to 144.043.**

[13.] **12.** Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] **13.** The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] **14.** The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by [him] **the director** for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall

become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

18. If the boundaries of a city in which a sales tax or use tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law or local use tax law shall be effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

19. Any change to any local sales tax or local use tax boundary or rate shall be effective on the first day of a calendar quarter after one hundred twenty days' notice to sellers.”; and

Further amend said bill, Page 3, Section 64.196, Line 5, by inserting after all of said section the following:

“66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the “County Sales Tax Trust Fund”. [The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, “Group A” and “Group B”. Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or

village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the “adjusted county average” is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the “redistribution formula” is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax

increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part

of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.”; and

Further amend said bill, Page 4, Section 67.281, Line 17, by inserting after all of said section the following:

“67.395. 1. All sales taxes collected by the director of revenue under sections 67.391 to 67.395 on behalf of any county[, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the “County AntiDrug Sales Tax Trust Fund”. [The moneys in the county antidrug sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall

be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county antidrug sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections 67.500 to 67.545 on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a county sales tax trust fund, which fund shall be separate and apart from the county sales tax trust fund established by section 66.620. [The moneys in such county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545, the sum due the county as certified by the director of revenue.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term “funding of museums and festivals” shall mean:

(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and

(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section shall be submitted in substantially the following form:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

☐ YES

☐ NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county’s voters pursuant to this section. The board shall be comprised of six members who are appointed by the governing body of the county from a list of candidates supplied by the chair of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties. Members shall serve for three-year terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections

67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

8. Except as modified in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057 and sections 144.010 to 144.510 for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a township form of government and with more than sixteen thousand four hundred but less than sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed one-fifth of one percent on all retail sales made in the county which are subject to taxation pursuant to sections 144.010 to 144.525, to be used solely for the funding of museums. For purposes of this section, the term "museums" means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the board to be a tourism attraction. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax shall be

imposed pursuant to this section unless the governing authority submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing authority to impose the tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent for the funding of museums? “Museums” means museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the museum board to be a tourism attraction.

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If the proposal receives less than the required majority of votes, then the governing authority shall have no power to impose the tax unless and until the governing authority has again submitted another proposal to authorize the governing authority to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 [and] **to** 32.087 shall apply. The director may retain an amount not to exceed one percent for deposit in the general revenue fund to offset the costs of collection. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing authority may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

4. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons pursuant to sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer pursuant to the state sales tax law for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid pursuant to this section, or in the event a determination has been made

against the person for taxes and penalty pursuant to this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

5. The governing authority may authorize any museum board already existing in the county, or may establish a museum board, to expend revenue collected pursuant to this section. In the event that no museum board already exists, the board established pursuant to this section shall consist of six members who are appointed by the governing authority from a list of candidates supplied by the chair of each of the two major political parties of the county, with three members from each of the two parties. Members shall serve for three-year terms, but of the members first appointed, [one] **two** shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county. The members shall not receive compensation for service on the board, but shall be reimbursed from the revenues collected pursuant to this section for any reasonable and necessary expenses incurred in service on the board. The board shall determine in what manner the revenues will be expended, and disbursements of these moneys shall be made strictly in accordance with this section. Expenditures may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel.

6. The governing authority may submit the question of repeal of the tax to the voters at any county or state general, primary, or special election. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (insert name of county) repeal the sales tax of (insert rate of percent) percent for the funding of museums?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO". [If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which the repeal was approved.]

67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any county of the first class having a charter form of government and having a population of nine hundred thousand or more may impose an additional countywide sales tax upon approval by a vote of the qualified voters of the county. The proposal may be submitted to the voters by the governing body of the county and shall be submitted to the voters at the next general election upon petitions signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county in the next preceding gubernatorial election filed with the governing body of the county. The submission shall include the levying of a sales tax at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the receipts from the sale at retail of all tangible personal property or taxable services within the county which are also taxable under the provisions of sections 66.600 to 66.630, and shall provide for the distribution of the proceeds in the manner provided in either subsection 4 or subsection 5 of this section. If either of the alternative distribution systems as provided in subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system of distribution may not be submitted to the voters for at least three years from the date of such voter approval.

2. The ballot of submission shall contain, but is not limited to, the following language:

Shall the County of levy an additional sales tax at the rate of (insert rate) and distribute the proceeds in the manner provided in (insert proper reference) (subsection 4)(subsection 5) of section 67.581, RSMo?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the additional sales tax shall be levied and collected and the proceeds from the additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then the governing body of the county shall have no power to impose the additional sales tax authorized by this section unless and until a proposal for the levy of such tax is submitted to and approved by the voters of the county.

3. The provisions of sections 66.600 to 66.630 and sections 32.085 [and] **to** 32.087, except to the extent otherwise provided in this section, shall govern the levy, collection, distribution and other procedures related to an additional sales tax imposed pursuant to this section.

4. In any county adopting an additional sales tax pursuant to the provisions of this section, and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed first to those municipalities that did not receive during the preceding calendar year ninety-five percent of the amount the municipality would have received by multiplying the population of the municipality by the average per capita sales tax receipt for such county in an amount which will bring each municipality receipt of sales tax moneys up to ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed pursuant to sections 66.600 to 66.630. Any remainder of the money received from the sales tax imposed pursuant to this section shall be distributed to all municipalities on the ratio that the population of each municipality bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the total sales tax revenue derived from the tax imposed pursuant to sections 66.600 to 66.630 by the total population of the county. Population of each municipality, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census. For the purposes of this subsection, any city, town, village or the unincorporated area of the county shall be considered a municipality.

5. In any county adopting an additional sales tax pursuant to the provisions of this section and selecting the method of distribution provided in this subsection, the proceeds from the sales tax imposed pursuant to this section, less one percent collection cost, shall be distributed to all cities, towns and villages, and the unincorporated areas of the county in group B and to such cities, towns and villages in group A as necessary so that no city, town, or village in group A receives from the combined proceeds of both the sales tax imposed pursuant to this section and the sales tax imposed pursuant to sections 66.600 to 66.630, less than the per capita amount received by the cities, towns and villages and the unincorporated area of the county in group B receives from the total proceeds from both sales taxes.

6. The governing body of any county which is imposing a sales tax under the provisions of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the governing body of the county signed by a number of qualified voters residing in the county equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial election, submit to the qualified voters of the county a proposal to change the method of distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620 to the method provided in this subsection. The ballot of submission shall be

in substantially the following form:

Shall the proceeds from the county sales tax be distributed among the county of and the various cities, towns and villages therein in the manner provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the present manner of distribution?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, the sales tax imposed by the county under the provisions of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by the qualified voters of the county voting thereon are opposed to the proposal, then the governing body of the county shall have no power to order the proceeds from the sales tax imposed pursuant to the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a proposal authorizing such method of distribution is submitted to and approved by the voters of the county. If the voters approve the change in the method of distribution of the sales tax proceeds in the manner provided in this subsection, the county clerk of the county shall notify the director of revenue of the change in the method of distribution within ten days after adoption of the proposal and shall inform the director of the effective date of the change in the method of distribution, which shall be on the first day of the third calendar quarter after the director of revenue receives notice. After the effective date of the change in the manner of distribution, the director of revenue shall distribute the proceeds of the sales tax imposed by such county under the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to have the proceeds distributed in the manner provided in this subsection shall be distributed in the following manner:

(1) The proceeds from the sales taxes shall be distributed to the cities, towns and villages in group A and to the cities, towns and villages, and the county in group B as defined in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount equal to the total amount distributed under section 66.620, for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section has been distributed;

(2) All moneys received in excess of the total amount distributed under section 66.620 for the twelve-month period immediately preceding the effective date of the tax levied pursuant to the provisions of this section shall be distributed to all cities, towns and villages and to the county on the basis that the population of each city, town or village, and in the case of the county the basis that the population of the unincorporated area of the county, bears to the total population of the county. The average per capita sales tax distribution shall be calculated by dividing the sum of the remaining amount of the total sales tax revenues by the total population of the county. Population of each city, town or village, of the unincorporated area of the county, and the total population of the county shall be determined on the basis of the most recent federal decennial census.

7. No municipality incorporated after the adoption of the tax authorized by this section shall be included as other than part of the unincorporated area of the county nor receive any share of either the proceeds from the tax levied pursuant to the provisions of this section or the tax levied pursuant to the provisions of sections 66.600 to 66.630 unless, at the time of incorporation, such municipality had a population of ten thousand or more.

8. The county sales tax imposed pursuant to this section on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within the county imposing the additional sales tax. [The amounts so collected, less one percent collection cost, shall be deposited in the county sales tax trust fund to be distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant for a certificate of title.]

9. No tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport, either upon, above or below the ground.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of (insert amount) to fund dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". [The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures

may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087.** The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of more than forty thousand but less than sixty thousand and which contains institutions operated by the department of corrections and by the department of mental health is hereby authorized to impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; provided, however, that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing retirement and health care benefits for county employees and their dependents?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing retirement and health care benefits for county employees and their dependents.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Employee Benefit Sales Tax Trust Fund". [The moneys in the county employee benefit sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county employee benefit sales tax trust fund shall be for the provision of retirement benefits or health care benefits for employees of the county and their dependents and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the second quarter immediately following the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. [The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective as provided in section 32.087**. The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director

of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed pursuant to this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700 to 67.727 on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". [The moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.700 to 67.727, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided in section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by sections 67.700 to 67.727 in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the sales taxes collected by the director of revenue from the tax authorized by section 67.701 on behalf of any county of the first class having a charter form of government and having a population of nine hundred thousand or more[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in sections 67.700 to 67.727,] shall be deposited in a special trust

fund, which is hereby created, to be known as the “County-Municipal Storm Water and Public Works Sales Tax Trust Fund”. [The moneys in the county-municipal storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county and the records shall be open to the inspection of officers of the county and of the municipalities within the county and the public. Not later than the tenth day of each month, the director of the department of revenue shall distribute all moneys deposited in the county-municipal storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

2. The director of revenue may make refunds from the amounts in the county-municipal storm water and public works sales tax trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county or municipality. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county-municipal storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

3. If the governing body of any municipality located wholly or partially within the county so requests by resolution, no funds shall be expended from the proceeds of any tax imposed under section 67.701 within the corporate boundaries of the requesting municipality for the construction, reconstruction or widening of any road established or to be established pursuant to section 137.558, the total cost of which exceeds one hundred thousand dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b) plans and specifications of such proposed action are prepared and a cost-benefit analysis prepared in accordance with accepted accounting principles of such proposed action is presented to such public hearing. Such cost-benefit analysis and its work papers shall be a public document and subject to inspection as provided in chapter 610. The provisions of this subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of government and having a

population of nine hundred thousand or more may, in the same manner and by the same procedure and subject to the same penalties as set out in sections 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent for the purpose of funding storm water control and public works projects other than stadiums or other sports facilities. This sales tax shall be in addition to any other sales tax authorized by law.

2. Notwithstanding the provisions of section 67.712 as to the disposition of any other sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected by the director of revenue from the tax authorized by this section on behalf of any county[, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Storm Water and Public Works Sales Tax Trust Fund". [The moneys in the county storm water and public works sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the county storm water and public works sales tax trust fund during the preceding month to the county which levied the tax, and the municipalities which are located wholly or partially within such county as follows:

(1) The county which levied the sales tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of the county;

(2) Each municipality located wholly within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of such municipality bears to the total population of the county; and

(3) Each municipality located partially within the county which levied the tax shall receive a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the municipality located within the county bears to the total population of the county.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the county storm water and public works sales tax trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the county storm water and public works sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

67.738. 1. All sales taxes collected by the director of revenue under sections 67.730 to 67.739 on behalf

of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax Trust Fund". [The moneys in the county capital improvement bond sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director of revenue, due the county.

2. The director of revenue may authorize the state treasurer to make refund from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal or expiration and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal or expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.745. 1. Any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants may impose a sales tax throughout the county for public recreational projects and programs, but the sales tax authorized by this section shall not become effective unless the governing body of such county submits to the qualified voters of the county a proposal to authorize the county to impose the sales tax.

2. The ballot submission shall be in substantially the following form:

Shall the County of impose a sales tax of up to one percent for the purpose of funding the financing, acquisition, construction, operation, and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

3. If approved by a majority of qualified voters **voting on the issue** in the county, the governing body of the county shall appoint a board of directors consisting of nine members. Of the initial members appointed to the board, three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and three members shall be appointed for a term of one year. After the initial appointments, board members shall be appointed to three-year terms.

4. The sales tax may be imposed at a rate of up to one percent on the receipts from the retail sale of all tangible personal property or taxable service within the county, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

5. All revenue collected from the sales tax under this section by the director of revenue on behalf of a county[, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Trust Fund". [Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of such county and the general public. Not later than the tenth day of each calendar month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding calendar month by distributing to the county treasurer, or such officer as may be designated by county ordinance or order, of each county imposing the tax under this section the sum due the county as certified by the director of revenue.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund for a period of one year of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in a county, the director of revenue shall remit the balance in the account to the county and close the account of such county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due such county.

7. The tax authorized under this section may be imposed in accordance with this section by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

8. The sales tax imposed under this section shall expire twenty years from the effective date thereof unless an extension of the tax is submitted to and approved by the qualified voters in the county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The provisions of this section shall not in any way affect or limit the powers granted to any county to establish, maintain, and conduct parks and other recreational grounds for public recreation.

10. Except as modified in this section, the provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand and less than fifteen thousand and any county of the second class having a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit, may jointly impose a sales tax throughout each of their respective counties for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of each such county submits to the voters of their respective counties a proposal to authorize the counties to impose the sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of impose a sales tax of percent in conjunction with the county of for the purpose of funding the financing, acquisition, construction, operation and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in each county are in favor of the proposal, then the tax shall be in effect in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county.

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". [The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing, acquisition,

operation, construction, maintenance, or utilization of any recreation facility or project or program funded in whole or in part from revenues derived from the tax levied pursuant to the provisions of this section.

8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five years from the effective date thereof unless an extension of the tax is submitted to and approved by the voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The governing body of each of the counties imposing a sales tax under the provisions of this section may cooperate with the governing body of any county or other political subdivision of this state in carrying out the provisions of this section, and may establish and conduct jointly a system of public recreation. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each.

10. The provisions of this section shall not in any way repeal, affect or limit the powers granted to any county to establish, maintain and conduct parks and other recreational grounds for public recreation.

11. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of directors, impose an annual property tax for the establishment and maintenance of public parks and recreational facilities and grounds within the boundaries of the regional recreational district not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all property within the district, except that no such tax shall become effective unless the board of directors of the district submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax.

2. The question shall be submitted in substantially the following form:

Shall a cent tax per one hundred dollars assessed valuation be levied for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until the board of directors of the district submits another proposal to authorize the tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The property tax authorized in subsections 1 and 2 of this section shall be levied and collected in the same manner as other ad valorem property taxes are levied and collected.

4. (1) A regional recreational district may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of public parks, recreational facilities and grounds within the boundaries of a regional recreational district. The tax authorized by this subsection shall be in addition to all other sales taxes allowed by law. No tax pursuant to this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after

the majority of the voters voting on such tax approve such tax.

(2) In the event the district seeks to impose a sales tax pursuant to this subsection, the question shall be submitted in substantially the following form:

Shall a . . . cent sales tax be levied on all retail sales within the district for public parks and recreational facilities?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax approved pursuant to this subsection.

5. As used in this section, “qualified voters” or “voters” means any individuals residing within the proposed district who are eligible to be registered voters and who have registered to vote under chapter 115 or, if no individuals eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section[, less one-half the cost of collection,] shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. [On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and] Sections 32.085 [and] to 32.087 shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county[, except for one percent for the cost of collection which shall be deposited in the state’s general revenue fund,] shall be deposited in a special trust fund, which is hereby created and shall be known as the “Senior Services and Youth Programs Sales Tax Trust Fund”, and shall be used solely for the designated purposes. [Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state.] The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285 and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.] Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax[, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount

required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525].

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures,

and all other necessary functions of the commission.”; and

Further amend said bill, Page 4, Section 67.1020, Line 4, by inserting after all of said section the following:

“67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting

as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525:

(1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;

(2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;

(3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;

(4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and

(5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds

remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality[, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. [The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 [and] **to** 32.087 shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

(1) Operations of economic development or community development offices, including the salaries of employees;

(2) Provision of training for job creation or retention;

(3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and

(4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective [on the first day of the second calendar quarter following the calendar quarter in which the election was held] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

(1) Acquisition of land;

(2) Installation of infrastructure for industrial or business parks;

- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) Construction and operation of job training and educational facilities; and

(8) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the repeal shall be effective as provided by section 32.087. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] 10. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting

in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1305. 1. As used in this section, the term “city” shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or

municipality[, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited in a special trust fund, which is hereby created, to be known as the “Local Option Economic Development Sales Tax Trust Fund”.

5. [The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and

(f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

(a) Marketing;

(b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;

(c) Training programs to prepare workers for advanced technologies and high skill jobs;

(d) Legal and accounting expenses directly associated with the economic development planning and preparation process;

(e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are to be appointed as follows:

(a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;

(b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, except that when a nine-member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on

economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

- (1) A statement of its primary economic development goals;
- (2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;
- (3) A statement of total expenditures during the preceding calendar year in each of the following categories:
 - (a) Infrastructure improvements;
 - (b) Land and/or buildings;
 - (c) Machinery and equipment;
 - (d) Job training investments;
 - (e) Direct business incentives;
 - (f) Marketing;
 - (g) Administration and legal expenses; and
 - (h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or

section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of [motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or sales of electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer’s sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. [In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district

may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285. 7.] The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

[8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 9. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

10. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1712. 1. The governing body of any county located within the proposed metropolitan district is hereby authorized to impose by ordinance a one-tenth of one cent sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding the creation, operation and maintenance of a metropolitan park and recreation district.

2. In addition to the tax authorized in subsection 1 of this section, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of the metropolitan park and recreation district. Such incremental sales tax shall not be implemented unless approved by the voters of the county with the largest population within the district and at least one other such county under subsection 2 of section 67.1715.

3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other sales taxes allowed by law. The governing body of any county within the metropolitan district enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing or increasing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The provisions of sections 32.085 [and] to 32.087 shall apply to any tax and increase in tax approved pursuant to this section and sections 67.1715 to 67.1721.

67.1775. 1. The governing body of a city not within a county, or any county of this state may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the county or city, or city not within a county, for the purpose of providing services described in section 210.861, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county or city, or city not within a county, at a county or city or state general, primary or special election upon the motion of the governing body of the county or city, or city not within a county or upon the petition of eight percent of the qualified voters of the

county or city, or city not within a county, determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city, or city not within a county, shall give legal notice as provided in chapter 115. The question shall be submitted in substantially the following form:

Shall County or City, solely for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the city or county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director receives notification of the local sales tax. If a question receives less than the required majority, then the governing authority of the city or county, or city not within a county, shall have no power to impose the sales tax unless and until the governing authority of the city or county, or city not within a county, has submitted another question to authorize the imposition of the sales tax authorized by this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section.

2. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

3. All sales taxes collected by the director of revenue under this section on behalf of any city or county, or city not within a county[, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087,] shall be deposited with the state treasurer in a special fund, which is hereby created, to be known as the "Community Children's Services Fund". [The moneys in the city or county, or city not within a county, community children's services fund shall not be deemed to be state funds and shall not be commingled with any funds of the state.] The director of revenue shall keep accurate records of the amount of money in the fund which was collected in each city or county, or city not within a county, imposing a sales tax under this section, and the records shall be open to the inspection of officers of each city or county, or city not within a county, and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the fund during the preceding month by distributing to the city or county treasurer, or the treasurer of a city not within a county, or such other officer as may be designated by a city or county ordinance or order, or ordinance or order of a city not within a county, of each city or county, or city not within a county, imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the city or county.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the fund and credited to any city or county, or city not within a county, for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each city or county, or city not within a county, shall notify the director of revenue at least ninety days prior

to the effective date of the expiration of the sales tax authorized by this section and **the repeal shall be effective as provided by section 32.087**. The director of revenue may order retention in the fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city not within a county or such city or county, the director of revenue shall remit the balance in the account to the city or county, or city not within a county, and close the account of that city or county, or city not within a county. The director of revenue shall notify each city or county, or city not within a county, of each instance of any amount refunded or any check redeemed from receipts due the city or county.

5. Except as modified in this section, all provisions of sections 32.085 [and] **to 32.087** shall apply to the tax imposed under this section.

6. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury or, in a city not within a county, to the board established by law to administer such fund to the credit of a special community children's services fund to accomplish the purposes set out herein and in section 210.861, and shall be used for no other purpose. Such fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of [food as defined in section 144.014, sales of] new or used motor vehicles, trailers, boats, or other outboard motors, [all utilities, telephone and wireless services,] and sales of funeral services, made **on or after January 1, 2014**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. An exhibition center and recreational facility district may be created under this section in the following counties:

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants;

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants;

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants;

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants;

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants;

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants;

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants;

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants;

(11) Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;

(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.

3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

(1) The name and residence of each petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the

boundaries; and

(3) The name of the proposed district.

4. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

(1) A description of the boundaries of the proposed district;

(2) The time and place of a hearing to be held to consider establishment of the proposed district;

(3) The proposed sales tax rate to be voted on within the proposed district; and

(4) The proposed uses for the revenue generated by the new sales tax.

5. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

(2) Hear all protests and receive evidence for or against the establishment of the proposed district; and

(3) Rule upon all protests, which determinations shall be final.

6. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

(1) The description of the boundaries of the district;

(2) A statement that an exhibition center and recreational facility district has been established;

(3) The name of the district;

(4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and

(5) A declaration that the district is a political subdivision of the state.

7. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county [that is part of the proposed district on the first day of the first calendar quarter immediately following the election] **as provided by section 32.087**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county’s sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member’s removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. “Recreational facilities” means locations explicitly designated for public use where the

primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

10. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. [Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri.] The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on

behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

11. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

12. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 apply to the sales tax imposed pursuant to this section.

[12.] 13. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of one-fourth of one percent for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[13.] 14. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the district abolishes

the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[14.] **15.** In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525 for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of promoting tourism in the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect [on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal] **as provided by section 32.087**. If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified

voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall (insert name of city) repeal the sales tax of (insert rate of percent) percent for tourism purposes now in effect in (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of

revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] 5. Except as modified in this section, all provisions of sections 32.085 [and] to 32.087 shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was

filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those

subdistricts that approve the sales tax, the sales tax shall become effective [on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax] **as provided by section 32.087.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when

so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2)] 6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing.

A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall (name of district) increase the (insert amount) percent district sales tax now in effect to..... (insert amount) in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in

favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] **as provided by section 32.087.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court.

Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the

city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

11. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.”; and

Further amend said bill, Page 26, Section 92.387, Line 2, by inserting after all of said section the following:

“94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city's center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of(insert rate of

percent) percent for [a] capital improvements purposes in the city's center city for a period of
(insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 to 32.087**. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial

election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 apply to the sales tax imposed under this section.

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/citywide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect [on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice] **as provided by section 32.087**. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or

county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No";

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the

council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired.”; and

Further amend said bill, Page 37, Section 143.790, Line 255, by inserting after all of said section the following:

“144.010. 1. The following words, terms, and phrases when used in [sections 144.010 to 144.525] **this chapter shall** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) “Admission” includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) “Advertising and promotional direct mail”, printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word “product” means tangible personal property, a product transferred electronically or a service;

(3) “Agreement”, the streamlined sales and use tax agreement, as amended from time to time;

(4) “Air-to-ground radiotelephone service”, a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(5) “Alcoholic beverages”, beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(6) “Ancillary services”, services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services. Ancillary services shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(7) “Appliance”, clothes washer and dryer, water heater, trash compactor, dishwasher, conventional oven, range, stove, air conditioner, furnace, refrigerator and freezer;

(8) “Bottled water”, water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

- (a) Antimicrobial agents;
- (b) Fluoride;
- (c) Carbonation;
- (d) Vitamins, minerals, and electrolytes;
- (e) Oxygen;
- (f) Preservatives; and
- (g) Only those flavors, extracts, or essences derived from a spice or fruit.

Bottled water includes water that is delivered to the buyer in a reusable container that is not sold with the water;

(9) “Bundled transaction”:

(a) The retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one nonitemized price. A bundled transaction shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction;

(b) As used in this paragraph, the term “distinct and identifiable products” shall not include:

a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;

b. A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;

c. Items included in the definition of the term sales price;

(c) As used in this paragraph, the term “one nonitemized price” shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form, including but not limited to an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list;

(d) a. A transaction that otherwise meets the definition of a bundled transaction as defined in this

subdivision shall not constitute a bundled transaction if it is:

(i) A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; or

(ii) A retail sale of services where one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

(iii) A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is de minimis.

b. “De minimis” means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

c. Sellers shall use the sales price of the products to determine if the taxable products are de minimis.

d. (i) Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(ii) A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller’s purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property. Sellers shall not use a combination of the purchase price and sales price of the tangible personal property when making the fifty percent determination for a transaction;

(10) “Business” includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is “engaging in business” in this state for purposes of sections 144.010 to 144.525 if such person “engages in business in this state” or “maintains a place of business in this state” under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (11) “Calendar quarter”, the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(12) “Call-by-call basis”, any method of charging for telecommunications services where the price is measured by individual calls;

(13) “Candy”, a preparation of sugar, honey, or other natural or artificial sweeteners in

combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. Candy shall not include any preparation containing flour and shall require no refrigeration;

(14) “Captive wildlife”, includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(15) “Certified automated system” or “CAS”, software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(16) “Certified service provider” or “CSP”, an agent certified under the streamlined sales and use tax agreement to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases;

(17) “Clothing”:

(a) All human wearing apparel suitable for general use;

(b) Clothing shall include:

a. Aprons, household and shop;

b. Athletic supporters;

c. Baby receiving blankets;

d. Bathing suits and caps;

e. Beach capes and coats;

f. Belts and suspenders;

g. Boots;

h. Coats and jackets;

i. Costumes;

j. Diapers, children and adult, including disposable diapers;

k. Ear muffs;

l. Footlets;

m. Formal wear;

n. Garters and garter belts;

o. Girdles;

p. Gloves and mittens for general use;

q. Hats and caps;

r. Hosiery;

s. Insoles for shoes;

t. Lab coats;

- u. Neckties;**
- v. Overshoes;**
- w. Pantyhose;**
- x. Rainwear;**
- y. Rubber pants;**
- z. Sandals;**
- aa. Scarves;**
- bb. Shoes and shoelaces;**
- cc. Slippers;**
- dd. Sneakers;**
- ee. Socks and stockings;**
- ff. Steel toed-shoes;**
- gg. Underwear;**
- hh. Uniforms, athletic and nonathletic; and**
- ii. Wedding apparel;**

(c) Clothing shall not include:

- a. Belt buckles sold separately;**
- b. Costume masks sold separately;**
- c. Patches and emblems sold separately;**
- d. Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and**
- e. Sewing materials that become part of clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers;**

(18) “Clothing accessories and equipment”, incidental items worn on the person or in conjunction with clothing. Clothing accessories and equipment are mutually exclusive of clothing, sport or recreational equipment, and protective equipment;

(19) “Coin-operated telephone service”, a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate;

(20) “Communications channel”, a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

(21) “Computer”, an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions;

(22) “Computer software”, a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. Computer software shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

(23) “Conference bridging service”, an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;

(24) “Customer”, the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this definition only applies to the purpose of sourcing sales of telecommunications services under section 144.043. Customer shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider’s licensed service area;

(25) “Customer channel termination point”, the location where the customer either inputs or receives the communication;

(26) “Delivered electronically”, delivered to the purchaser by means other than tangible storage media;

(27) “Delivery charges”, charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services, including but not limited to transportation, shipping, postage, handling, crating, and packing;

(28) “Detailed telecommunications billing service”, an ancillary service of separately stating information pertaining to individual calls on a customer’s billing statement;

(29) “Dietary supplement”, any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required under 21 CFR Section 101.36;

(30) “Digital audio works”, works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones;

(31) “Digital audio-visual works”, a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;

(32) “Digital books”, works that are generally recognized in the ordinary and usual sense as books;

(33) “Direct mail”, printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. Direct mail shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail shall not include multiple items of printed material delivered to a single address;

(34) “Directory assistance”, an ancillary service of providing telephone number information, or address information;

(35) “Drug”:

(a) A compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or supplement to any of them;

b. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

c. Intended to affect the structure or any function of the body;

(b) Drug shall include insulin and medical oxygen;

(36) “Durable medical equipment”, equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;

(d) Is not worn in or on the body;

(e) Is for home use;

(f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(g) Shall not include:

a. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; and

b. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

As used in this subdivision, repair and replacement parts shall include all components or attachments used in conjunction with the durable medical equipment;

(37) “Electronic”, relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(38) “End user”, the person who utilizes the telecommunication service. In case of an entity, “end user” means the individual who utilizes the service on behalf of the entity;

(39) “Energy star qualified product”, a product that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy that is authorized to carry the Energy Star label. Covered products are those listed at www.energystar.gov or successor address;

(40) “Engages in business activities within this state”, includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail

advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax under sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(41) "Food and food ingredients", substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Food and food ingredients shall not include alcoholic beverages, tobacco, or dietary supplements;

(42) "Food sold through a vending machine", food dispensed from a machine or other mechanical device that accepts payment;

(43) "Grooming and hygiene products", soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter drugs;

[(4)] (44) "Gross receipts"[.] or "sales price":

(a) Except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;] **applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

a. The seller's cost of the property sold;

b. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

c. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

d. Delivery charges; and

e. Credit for any trade-in;

(b) Shall not include:

a. Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

b. Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and

c. Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(c) Shall include consideration received by the seller from third parties if:

a. The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

b. The seller has an obligation to pass the price reduction or discount through to the purchaser;

c. The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

d. One of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a preferred customer card that is available to any patron does not constitute membership in such a group); or

(iii) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser;

(45) “Home service provider”, the same as such term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(46) “Lease or rental”:

(a) Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend;

(b) Lease or rental shall not include:

a. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

b. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and where any payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;

c. Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;

(c) Lease or rental includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1), as amended;

(47) “Light aircraft”, a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(48) “Light aircraft kit”, factory manufactured light aircraft parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified light aircraft purchaser for recreational and educational purposes;

(49) “Light aircraft parts and components”, manufactured light aircraft parts, including air frame and engine parts, that are required by the qualified light aircraft purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

[(5)] (50) “Livestock”, cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

[(6)] (51) “Load and leave”, delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser;

(52) “Maintains a place of business in this state”, includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(53) “Mobile telecommunications service”, the same as such term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;

(54) “Mobility enhancing equipment”, equipment, including repair and replacement parts to same, which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and

(b) Is not generally used by persons with normal mobility; and

(c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.

Mobility enhancement equipment shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(55) “Model 1 seller”, a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases;

(56) “Model 2 seller”, a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;

(57) “Model 3 seller”, a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system

that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;

(58) “Model 4 seller”, a seller that is registered under the agreement and is not a Model 1 Seller, a Model 2 Seller or a Model 3 Seller;

(59) “Motor vehicle leasing company” [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[(7)] (60) “Other direct mail”, any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. Other direct mail includes, but is not limited to:

(a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;

(b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.

Other direct mail shall not include the development of billing information or the provision of any data processing service that is more than incidental;

(61) “Over-the-counter drug”, a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 CFR Section 201.66 and includes:

(a) A drug facts panel; or

(b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(62) “Person” includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, [except the state transportation department,] estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number, or any other legal entity;

[(8)] (63) “Place of primary use”, the street address representative of where the customer’s use of the telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, place of primary use shall be within the licensed service area of the home service provider;

(64) “Post-paid calling service”, the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(65) “Prepaid calling service”, the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(66) “Prepaid wireless calling service”, a telecommunications service that provides the right to utilize mobile wireless services as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(67) “Prepared food”, food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. Prepared food shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;

(68) “Prescription”, an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;

(69) “Prewritten computer software”, computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(70) “Private communication service”, a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(71) “Product-based exemption”, an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(72) “Product which is intended to be sold ultimately for final use or consumption”, tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is

substantially equivalent to these taxes, in this state or any other state;

(73) “Prosthetic device”, a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term “prosthetic device” shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(74) “Protective equipment”, items for human wear and designed as protection of the wearer against injury or disease or as protection against damage or injury of other persons or property but not suitable for general use. Protective equipment is mutually exclusive of clothing, clothing accessories or equipment, and sport or recreational equipment;

(75) “Purchase”, the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(76) “Purchase price”, applies to the measure subject to use tax and has the same meaning as sales price;

(77) “Purchaser” [means], a person [who purchases tangible] to whom a sale of personal property is made or to whom [are rendered services, receipts from which are taxable under sections 144.010 to 144.525] a service is furnished;

[(9)] (78) “Qualified light aircraft purchaser”, a purchaser of a light aircraft, light aircraft kit, light aircraft parts or components who is a nonresident of this state, who will transport the light aircraft, light aircraft kit, light aircraft parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state;

(79) “Receive” or “receipt”, taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. Receive and receipt shall not include possession by a shipping company on behalf of the purchaser;

(80) “Registered under the agreement”, registration by a seller with the member states under the central registration system provided in Article IV of the agreement;

(81) “Research or experimentation activities” are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(10)] (82) “Sale” or “sales” includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(11)] (82) “Sale at retail” [means any transfer made by any person engaged in business as defined herein

of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property] or **“retail sale” means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term “sale at retail” shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(g) **Sales or charges for video programming service described in Public Law No. 104-104, Title VI, Section 602, 110 Stat. 144 (1996).**

(83) “School art supply”:

(a) An item commonly used by a student in a course of study for artwork. The term is mutually exclusive of the terms school supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

a. Clay and glazes;

b. Paints, acrylic, tempora, and oil;

c. Paintbrushes for artwork;

d. Sketch and drawing pads; and

e. Watercolors;

(84) “School computer supply”:

(a) An item commonly used by a student in a course of study in which a computer is used. The term is mutually exclusive of the terms school supply, school art supply, and school instructional material.

(b) The following is an all-inclusive list:

a. Computer storage media, diskettes, compact disks;

b. Handheld electronic schedulers, except devices that are cellular phones;

c. Personal digital assistants, except devices that are cellular phones; and

d. Computer printers and printer supplies for computers, printer paper, and printer ink;

(85) “School instructional material”:

(a) Written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is mutually exclusive of the terms school supply, school art supply, and school computer supply;

(b) The following is an all-inclusive list:

a. Reference books;

b. Reference maps and globes;

c. Textbooks; and

d. Workbooks;

(86) “School supply”:

(a) An item commonly used by a student in a course of study. The term is mutually exclusive of the terms school art supply, school instructional material, and school computer supply;

(b) The following is an all-inclusive list:

a. Binders;

b. Book bags;

c. Calculators;

d. Cellophane tape;

e. Blackboard chalk;

f. Compasses;

g. Composition books;

h. Crayons;

i. Erasers;

j. Folders, expandable, pocket, plastic, and manila;

k. Glue, paste, and paste sticks;

l. Highlighters;

m. Index cards;

n. Index card boxes;

o. Legal pads;

p. Lunch boxes;

q. Markers;

r. Notebooks;

s. Paper, loose leaf notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;

t. Pencil boxes and other school supply boxes;

u. Pencil sharpeners;

v. Pencils;

w. Pens;

x. Protractors;

y. Rulers;

z. Scissors; and

aa. Writing tablets;

[(12)] (87) “Seller” means a person [selling or furnishing tangible] making sales, leases, or rentals of personal property or [rendering services, on the receipts from which a tax is imposed pursuant to section 144.020] services;

(88) “Selling agent”, every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed under this chapter and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(89) “Service address”:

(a) The location of the telecommunications equipment to which a customer’s call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

(b) If the location in paragraph (a) of this subdivision is not known, “service address” means the origination point of the signal of the telecommunications services first identified by either the seller’s telecommunications system or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(c) If the location in paragraphs (a) and (b) of this subdivision are not known, the service address shall be the location of the customer’s place of primary use;

(90) “Specified digital products”, electronically transferred digital audio-visual works, digital audio works, and digital books;

(91) “Sport or recreational equipment”, items designed for human use and worn in conjunction

with an athletic or recreational activity that are not suitable for general use. Sport or recreational equipment are mutually exclusive of clothing, clothing accessories or equipment, and protective equipment;

(92) “State”, any state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(93) “Storage”, any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(94) “Tangible personal property”, personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property shall include electricity, water, gas, steam, and prewritten computer software. Tangible personal property shall not include specified digital products, digital audio-visual works, digital audio works, or digital books;

[(13) The noun] **(95) “Tax” [means], either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;**

(96) “Taxpayer”, any person remitting the tax or who should remit the tax levied by this chapter;

(97) “Telecommunications nonrecurring charges”, an amount billed for the installation, connection, change or initiation of telecommunications service received by the customer;

[(14)] **(98) “Telecommunications service”**[, for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer’s bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) “Product which is intended to be sold ultimately for final use or consumption” means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.];

(a) The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(b) Telecommunications service shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred

to as voice over internet protocol services or is classified by the Federal Communications Commission as enhanced or value added;

(c) Telecommunications service shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service;

(d) Telecommunications service shall not include:

a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

b. Installation or maintenance of wiring or equipment on a customer's premises;

c. Tangible personal property;

d. Advertising, including but not limited to directory advertising;

e. Billing and collection services provided to third parties;

f. Internet access service;

g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. Section 522(6), as amended, and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

h. Ancillary services; or

i. Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

(99) "Transportation equipment", any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

a. Registered through the International Registration Plan; and

b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(c) Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

(d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) to (c) of this subdivision;

(100) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains

tobacco;

(101) “Use”, the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(102) “Use-based exemption”, an exemption based on a specified use of the product by the purchaser;

(103) “Vendor”, every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they shall be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers shall be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person’s total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term “manufactured homes” shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the “Sales Tax Law”.

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food **and food ingredients** shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. [For the purposes of this section, the term “food” shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section,] Except for **food sold through** vending [machine sales, the term “food”] **machines, subsection 1 of this section** shall not [include] **apply to** food or drink sold by any establishment where the gross receipts derived from the sale

of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.

144.022. 1. In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:

(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;

(3) The provisions of this section shall apply unless otherwise provided by federal law.

2. In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software, the following provisions apply:

(1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;

(2) If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal property;

(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the purchase price under the contract shall be taxable.”; and

Further amend said bill, Pages 40-41, Section 144.030, Lines 110-127, by deleting all of said lines and inserting in lieu thereof the following:

“(19) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of

such motor vehicles by individuals with disabilities or sales of] over-the-counter [or nonprescription] drugs to individuals with disabilities, **all sales of kidney dialysis equipment and enteral feeding systems, all sales of durable medical equipment, prosthetic devices, and mobility enhancing equipment,** and [drugs required by the Food and Drug Administration to meet the] **all sales of** over-the-counter [drug product labeling requirements in 21 CFR 201.66, or its successor,] **drugs** as prescribed by a health care practitioner licensed to prescribe;” and

Further amend said bill, Pages 42-43, Section 144.030, Lines 175-210, by deleting all of said lines and inserting in lieu thereof the following:

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil] **piped natural or artificial gas, or other fuels delivered by the seller** for domestic use [and in any city not within a county, all sales of metered or unmetered water service for domestic use]:

(a) “Domestic use” means that portion of metered water service, electricity, [electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service,] **piped natural or artificial gas, or other fuels delivered by the seller** which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller’s utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller’s utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** and who uses any portion of the [services or property] **electricity, piped natural or artificial gas, or other fuels delivered by the seller** so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue

for such credit or refund;” and

Further amend said bill, Page 43, Section 144.030, Line 214, by deleting all of said line and inserting in lieu thereof the following:

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071,”; and

Further amend said bill, Page 45, Section 144.030, Line 288, by deleting the word, “service.” and inserting in lieu thereof the following:

“service;

(44) All sales of new light aircraft, light aircraft kits, light aircraft parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, light aircraft parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section;

(45) All sales of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state’s executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an “affiliated person” means any person that is a member of the same “controlled group of corporations” as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same “controlled group of corporations” as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of [metered water services,] electricity, [electrical current and natural, artificial or propane gas, wood, coal, or home heating oil] **pipd natural or artificial gas, or other fuels delivered by the seller** for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

144.040. 1. (1) All retail sales in Missouri, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where receipt of the product by the purchaser occurs is determined in accordance with subsection 2 of this section; and

(b) At the time the order is received, the record keeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

(3) When the sale is sourced under this section to the location where the order is received by the seller, only the sales tax for the location where the order is received by the seller may be levied. No additional sales or use tax based on the location where the product is delivered to the purchaser may be levied on that sale. The purchaser shall not be entitled to any refund if the combined state and local rate or rates at the location where the product is received by the purchaser is lower than the rate where the order is received by the seller.

(4) A purchaser shall have no additional liability to the state for tax, penalty or interest on a sale for which the purchaser remits tax to the seller in the amount invoiced by the seller if such invoice amount is calculated at either the rate applicable to the location where receipt by the purchaser occurs or at the rate applicable to the location where the order is received by the seller. A purchaser may rely on a written representation by the seller as to the location where the order for such sale was received by the seller. When the purchaser does not have a written representation by the seller as to the location where the order for such sale was received by the seller, the purchaser may use a location indicated by a business address for the seller that is available from the business records of the purchaser that are maintained in the ordinary course of the purchaser's business to determine the rate applicable to the location where the order was received.

(5) The location where the order is received by or on behalf of the seller means the physical location of a seller or third party such as an established outlet, office location or automated order receipt system operated by or on behalf of the seller where an order is initially received by or on behalf of the seller and not where the order may be subsequently accepted, completed or fulfilled. An order is received when all of the information from the purchaser necessary to the determination whether the order can be accepted has been received by or on behalf of the seller. The location from which a product is shipped shall not be used in determining the location where the order is received by the seller.

(6) When taxable services are sold with tangible personal property or digital products pursuant to a single contract or in the same transaction, are billed on the same billing statement or statements, and, because of the application of this section, would be sourced to different jurisdictions, this subsection shall apply to determine the source for tax.

2. Except as provided in subsection 7 of this section, when the location where the order is received by the seller and the location where the receipt of the product by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs are in different states, the retail sale, excluding lease or rental, of a product shall be sourced as follows:

(1) When the product is received by the purchaser at a business location of the seller, the sale shall be sourced to such business location;

(2) When the product is not received by the purchaser at a business location of the seller, the sale shall be sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(3) When subdivisions (1) and (2) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) When subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith;

(5) When none of the previous rules of subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the circumstances in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or computer software delivered electronically was first available for transmission from the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles, trailers, semitrailers, watercraft and aircraft that do not qualify as transportation equipment shall be sourced to the address of the owner thereof.

4. The lease or rental of tangible personal property, other than property identified in subsection 2 or 3 of this section or transactions regulated under sections 407.660 to 407.665, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 144.010, shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of such address does not constitute bad faith. Such location shall not be altered by intermittent use at different locations;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section;

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

6. The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection 1 of this section, notwithstanding the exclusion of lease or rental in subsection 1 of this section.

7. (1) The retail sale of a product shall be sourced in accordance with this section. The provisions of this section shall apply regardless of the characterization of a product as tangible personal property, a digital good, or a service. The provisions of this section shall only apply to determine a seller's obligation to pay or collect and remit sales or use tax with respect to the seller's retail sale of a product. The provisions of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(2) This section shall not apply to sales or use taxes levied on the following:

(a) Retail sales or transfers of watercraft, modular homes, manufactured homes, or mobile homes; and

(b) Telecommunications services and ancillary services.

144.042. 1. (1) A purchaser of advertising and promotional direct mail may provide the seller with either:

(a) A direct pay permit;

(b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state); or

(c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(2) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which the permit, certificate or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due.

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail where the seller has sourced the sale according to the delivery information provided by the purchaser.

(4) If the purchaser does not provide the seller with any of the items listed in paragraph (a), (b) or (c) of subdivision (1) of subsection 1 of this section, the sale shall be sourced according to subdivision (5) of subsection 2 of section 144.040. The state to which the advertising and promotional direct mail is delivered may disallow credit for tax paid on sales sourced under this subdivision.

(5) Notwithstanding section 144.040, this subsection shall apply to sales of advertising and promotional direct mail.

2. (1) Except as otherwise provided in this subsection, sales of other direct mail are sourced in accordance with subdivision (3) of subsection 2 of section 144.040.

(2) A purchaser of other direct mail may provide the seller with either:

(a) A direct pay permit; or

(b) An agreement certificate of exemption claiming direct mail (or other written statement approved, authorized or accepted by the state).

(3) If the purchaser provides the permit, certificate or statement referred to in paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving other direct mail to which the permit, certificate or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

(4) Notwithstanding section 144.040, this subsection shall apply to sales of other direct mail.

3. (1) (a) This section applies to a transaction characterized under state law as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of direct mail.

(b) This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section applies only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall limit any purchaser's:

(a) Obligation for sales or use tax to any state to which the direct mail is delivered;

(b) Right under local, state, federal or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section applies for purposes of uniformly sourcing direct mail transactions and does not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

144.043. 1. [As used in this section, the following terms mean:

(1) "Light aircraft", a light airplane that seats no more than four persons, with a gross weight of three thousand pounds or less, which is primarily used for recreational flying or flight training;

(2) "Light aircraft kit", factory manufactured parts and components, including engine, propeller, instruments, wheels, brakes, and air frame parts which make up a complete aircraft kit or partial kit designed to be assembled into a light aircraft and then operated by a qualified purchaser for recreational and educational purposes;

(3) "Parts and components", manufactured light aircraft parts, including air frame and engine parts, that

are required by the qualified purchaser to complete a light aircraft kit, or spare or replacement parts for an already completed light aircraft;

(4) “Qualified purchaser”, a purchaser of a light aircraft, light aircraft kit, parts or components who is nonresident of this state, who will transport the light aircraft, light aircraft kit, parts or components outside this state within ten days after the date of purchase, and who will register any light aircraft so purchased in another state or country. Such purchaser shall not base such aircraft in this state and such purchaser shall not be a resident of the state unless such purchaser has paid sales or use tax on such aircraft in another state.

2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and from the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under any local sales tax law, as defined in section 32.085, all sales of new light aircraft, light aircraft kits, parts or components manufactured or substantially completed within this state, when such new light aircraft, light aircraft kits, parts or components are sold by the manufacturer to a qualified purchaser. The director of revenue shall prescribe the manner for a purchaser of a light aircraft, light aircraft kit, parts or components to establish that such person is a qualified purchaser and is eligible for the exemption established in this section] **Except for the defined telecommunication services in subsection 3 of this section, the sale of telecommunication service sold on a call-by-call basis shall be sourced to:**

(1) Each level of taxing jurisdiction where the call originates and terminates in that jurisdiction;
or

(2) Each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

2. **Except for the defined telecommunication services in subsection 3 of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis is sourced to the customer’s place of primary use.**

3. **The sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:**

(1) **A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service is sourced to the customer’s place of primary use as required by the Mobile Telecommunications Sourcing Act;**

(2) **A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either:**

(a) **The seller’s telecommunications system; or**

(b) **Information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;**

(3) **A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 144.040, provided however, in the case of a sale of prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of section 144.040 shall include as an option the location associated with the mobile telephone number;**

(4) A sale of a private communication service is sourced as follows:

(a) Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of internet access service is sourced to the customer's place of primary use.

5. The sale of an ancillary service is sourced to the customer's place of primary use.

144.049. 1. [For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less.

2.] In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less[.]; all retail sales of school supplies, **school art supplies, and school instructional materials** not to exceed fifty dollars per purchase[.]; all **prewritten** computer software with a taxable value of three hundred fifty dollars or less[.]; and all retail sales of [personal] computers [or computer peripheral devices] **and school computer supplies** not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

[3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales

tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] 2. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] 3. This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7.] 4. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. [As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3.] In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

[4.] 3. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

[5.] 4. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing company. Any

company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

[6.] **5.** Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] **6.** If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

[8.] **7.** Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate article IV, section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this

section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. [Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3.] Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 3. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

[5.] 4. It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

144.082. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.

2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a seller of its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.]

144.084. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;**
- (2) Provide an alternative method for making “same day” payments if an electronic funds transfer fails;**
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and**
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlined sales and use tax governing board.**

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

144.100. 1. Every person making any taxable sales of property or service, except transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall [show the amount of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return] **state:**

- (1) The name and address of the retailer;**
- (2) The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;**
- (3) The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;**
- (4) Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;**
- (5) Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;**
- (6) Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;**
- (7) Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed; and**
- (8) Such other pertinent information as the director may require.**

3. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for

which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of subsection 2 of this section in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe.

4. The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state. With each return, the person shall remit to the director of revenue the full amount of the tax due.

[3.] **5.** In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

[4.] **6.** If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

[5.] **7.** The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

44.104. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), as amended, except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.

2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.

3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

144.123. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National

Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director develops address-based assignment database records under the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be in the same approved format as the database records under this section and meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as amended. If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on

tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.

(2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.

(3) Amnesty shall be provided if this state joins the agreement after the seller has registered.

2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.

3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the

contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

3. The monetary allowance provided for vendors in subdivision (2) or (3) of subsection 2 of this section shall be in an amount equal to two percent of the taxes collected.

4. Any vendor receiving an allowance under subsection 2 of this section shall not be entitled simultaneously to deduct the allowance provided for in subsection 1 of this section.

144.210. 1. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail shall be upon the person who made the sale, except that with respect to sales, services, or transactions provided for in section 144.070. [The seller shall obtain and maintain exemption certificates signed by the purchaser or his agent as evidence for any exempt sales claimed; provided, however, that before any administrative tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in accordance with proof admissible under the applicable rules of evidence; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper, the director of revenue may collect the proper amount of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest, additions to tax or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.]

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

144.212. 1. In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to

the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third-party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third-party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of use not available in such state.

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

144.285. 1. [In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the director of revenue shall establish brackets, showing the amounts of tax to be collected on sales of specified amounts, which shall be applicable to all taxable transactions] **When the seller is computing the amount of tax owed by the purchaser and remitted to the state:**

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. [In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets established by the director of revenue, at the option of the retail vendor] **Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The provision of this subsection may be applied to the aggregated state and local taxes.**

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums provided for in this section.

4. [A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.

5.] Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in his gross receipts if the amounts are separately charged or stated.

[6.] **5.** If sales tax for one or more local political subdivisions is owed by a taxpayer pursuant to chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due for a filing period specified in section 144.080, the director of revenue shall deposit the tax remitted proportionately to each taxing jurisdiction in accordance with the percentage that each such jurisdiction's share of the tax due for the filing period bears to the total tax due from such taxpayer for such period. The unpaid balance due along with penalties and interest shall be similarly prorated among the state and all local jurisdictions for which tax was due during the filing period for which an underpayment occurs. The provisions of this subsection shall apply to all returns or remittances relating to sales made on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. [For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3.] In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any [energy star certified] new appliance **that is an energy star qualified product**, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise

offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor's quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a

vendor registered in accordance with the provisions of section 144.650.

7. Any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.

144.710. [From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal to two percent thereof.] **Sections 144.210 and 144.212, pertaining to the allowance for timely remittance of payment, are applicable to the tax levied by this law.**”; and

Further amend said bill, Page 62, Section 192.310, Line 7, by inserting after all of said section the following:

“221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties’ names) impose a region-wide sales tax of (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited

in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015."; and

Further amend said bill, Page 63, Section 228.369, Line 34, by inserting after all of said section the following:

"238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of [motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of

service to telephone subscribers, either local or long distance] **fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to electricity, piped natural or artificial gas, or other fuels delivered by the seller, and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.** Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation

development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6)] All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

[7.] 5. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal

the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285 shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144 are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit

authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] **9.** The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] **10.** The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

[13.] **12.** In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a

determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] **13.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16.] **14.** In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.”; and

Further amend said bill, Page 102, Section 577.041, Line 138, by inserting after all of said section the following:

“644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose

of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.”; and

Further amend said bill, Page 102, Section 64.205, Line 2, by inserting after all of said line the following:

“[66.601. The duties of the director of revenue with respect to the allocation, division and distribution of sales and use tax proceeds determined to be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more inhabitants and all municipalities within such county, resulting from taxes levied or imposed under the authority of sections 66.600 to 66.630, section 144.748, and sections 94.850 to 94.857, may be delegated to the county levying the county sales tax under sections 66.600 to 66.630, at the discretion of the director of revenue and with the consent of the county. Notwithstanding the provisions of section 32.057 to the contrary, if such duties are so assigned, the director of revenue shall furnish the county with sufficient information to perform such duties in such form as may be agreed upon by the director and the county at no cost to the county. The county shall be bound by the provisions of section 32.057, and shall use any information provided by the director of revenue under the provisions of this section solely for the purpose of allocating, dividing and distributing such sales and use tax revenues. The county shall exercise all of the director’s powers and duties with respect to such allocation, division and distribution, and shall receive no fee for carrying out such powers and duties.]

[67.1713. Beginning January 1, 2002, there is hereby specifically exempted from the tax imposed pursuant to section 67.1712 all sales of food as defined by section 144.014.]

[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted

pursuant to sections 94.802 to 94.805.]

[144.069. All sales of motor vehicles, trailers, boats and outboard motors shall be deemed to be consummated at the address of the owner thereof, and all leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to sales taxes under this chapter shall be deemed to be consummated unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales by the state department of revenue on that basis.]

[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) “Calendar quarter”, the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) “Engages in business activities within this state” includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller’s trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(3) “Maintains a place of business in this state” includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(4) “Person”, any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any

other group or combination acting as a unit, and the plural as well as the singular number;

(5) “Purchase”, the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) “Purchaser”, any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) “Sale”, any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) “Sales price”, the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and “sales price” shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) “Selling agent”, every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) “Storage”, any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) “Tangible personal property”, all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) “Taxpayer”, any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) “Use”, the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) “Vendor”, every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person’s total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the “Simplified Sales and Use Tax Administration Act”.]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

(1) “Agreement”, the streamlined sales and use tax agreement;

(2) “Certified automated system”, software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;

(3) “Certified service provider”, an agent certified jointly by the states that are signatories to the agreement to perform all of the seller’s sales tax functions;

(4) “Person”, an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;

(5) “Sales tax”, any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;

(6) “Seller”, any person making sales, leases or rentals of personal property or services;

(7) “State”, any state of the United States and the District of Columbia;

(8) “Use tax”, the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of

representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

(1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;

(2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;

(3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;

(4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;

(5) Affects the sourcing of sales tax transactions; or

(6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

(1) The agreement should address the limitation of the number of state rates over time;

(2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;

(3) The agreement should require the state to provide a central, electronic registration system that

allows a seller to register to collect and remit sales and use taxes for all signatory states;

(4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;

(5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:

(a) Restricting variances between the state and local tax bases;

(b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;

(c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and

(d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;

(6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;

(7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;

(8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and

(9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]]"; and

Further amend said bill, Page 103, Section C, Line 3, by inserting after all of said section the following:

“Section D. The provisions of the streamlined sales and use tax agreement act shall become effective January 1, 2015.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 24, Page 20, Section 71.012, Line 77, by deleting the number “**three**” and inserting in lieu thereof the number, “**five**”; and

Further amend said page, Section 71.014, Line 13, by deleting the number “**three**” and inserting in lieu thereof the number, “**five**”; and

Further amend said bill, Page 24, Section 71.015, Line 136, by deleting the number “**three**” and inserting in lieu thereof the number, “**five**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 342**, as amended. Representatives: Guernsey, McGaugh, and Kelly (45).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 100**, entitled:

An Act to repeal sections 32.056, 43.518, 56.807, 432.047, 443.723, 452.400, 453.030, 453.040, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.026, 488.426, 488.2250, 488.5320, 513.430, 559.100, 559.105, 565.020, 570.120, 600.042, 600.044, and 600.090, RSMo, and to enact in lieu thereof thirty-three new sections relating to judicial procedures, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

With House Amendment Nos. 1, 3, 4, 5, 6 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 100, Page 2, Section 43.518, Line 19, by deleting all of said line and inserting in lieu thereof the following:

“court budget] **court automation** committee; the presidents of”; and

Further amend said bill, Page 5, Section 57.095, Line 5, by inserting after all of said section and line the following:

“57.955. 1. There shall be assessed and collected a surcharge of [three] **two** dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county **or municipal** ordinance or any violation of criminal or traffic laws of this state, including infractions **and municipal ordinance violations**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term “county ordinance” shall not include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases, shall collect and disburse such amounts as provided by sections 488.010 to 488.020*. Such funds shall be payable to the sheriffs’ retirement fund. Moneys credited to the sheriffs’ retirement fund shall be used only for the purposes provided for in sections 57.949 to 57.997 and for no other purpose.

2. The board may accept gifts, donations, grants and bequests from public or private sources to the sheriffs’ retirement fund.”; and

Further amend said bill, Page 5, Section 432.047, Line 4, by deleting all of said line and inserting in lieu thereof the following:

“2. A debtor may not maintain an action upon or a defense, regardless of”; and

Further amend said bill, Page 20, Section 479.085, Line 6, by inserting after all of said section and line the following:

“488.024. As provided by [section 57.955] **sections 57.949 to 57.997**, there shall be assessed and collected a surcharge of [three] **two** dollars in all civil actions filed in the courts of this state and in all criminal cases including violation of any county **or municipal** ordinance or any violation of criminal or traffic laws of this state, including infractions **and municipal ordinance violations**, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term “county ordinance” shall not include any ordinance of the City of St. Louis. The clerk responsible for collecting court costs in civil and criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the sheriffs’ retirement fund.”; and

Further amend said bill, Page 22, Section 488.5320, Line 15, by inserting after all of said line the following:

“2. Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.”; and

Further amend by renumbering the remainder of section 488.5320 accordingly; and

Further amend said bill, Page 25, Section 513.430, Line 85, by inserting after all of said section and line the following:

“514.040. 1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required as security for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection shall not apply to any action for which no sum as security for costs is required to be paid upon filing such suit.

3. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons, **by a law school clinic which has as its primary purpose educating law students through furnishing legal services to indigent persons**, or by private counsel working on behalf of or under the auspices of such society, all costs and expenses related to the prosecution of the suit may be waived without

the necessity of a motion and court approval, provided that a determination has been made by such society or organization that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that a certification that such determination has been made is filed with the clerk of the court.”; and

Further amend said bill, Page 26, Section 559.100, Line 17, by inserting after the word “**attorney.**” on said line the following:

“Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 100, Page 19, Section 478.320, Line 32, by inserting after all of said line the following:

“478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the “Veterans Treatment Intervention Act”.

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) “Servicemember”, any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) “Veteran”, any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon agreement of the presiding judges of such circuit courts, in this state may establish a “Military Veterans and Servicemembers Court Program” under which veterans and servicemembers who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military veterans and servicemembers court program shall be based upon the sentencing court’s assessment of the defendant’s criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the prosecuting attorney and the victim, if any, and the defendant’s agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in subsection 2 of this section, identified as a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem is eligible for admission into a veterans’ treatment intervention program approved by the presiding judge of the circuit upon motion of either party or the court’s own motion, except:

(1) If a defendant was previously offered admission to a veterans’ treatment intervention program at any time before trial and the defendant rejected such offer on the record, the court may deny the defendant’s admission to such a program;

(2) If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the veterans' treatment program.

In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall apply to any offense committed by a holder of a commercial driver's license or any person operating a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state's failure to comply with applicable federal laws and regulations.

2. Any person charged with the following felonies, including attempt of such felonies, shall not be eligible for admission into a veterans' treatment intervention program under sections 478.1100 to 478.1120:

- (1) Murder or manslaughter under chapter 565;**
- (2) Kidnapping or false imprisonment under chapter 565;**
- (3) Aggravated assault under chapter 565;**
- (4) Stalking under chapter 565;**
- (5) Elder abuse under chapter 565;**
- (6) Sexual offenses under chapter 566;**
- (7) Offenses against the family under chapter 568;**
- (8) Robbery or burglary under chapter 569;**
- (9) Arson under chapter 569;**
- (10) Water contamination under chapter 569;**
- (11) Child pornography under chapter 573;**
- (12) Treason; and**

(13) Any offense committed in another jurisdiction which would be a felony offense listed in this subsection if committed in this state.

3. (1) While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components listed in subdivision (2) of this subsection, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program or other intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under chapter 610.

(2) The treatment program shall include:

- (a) Integrate alcohol and other drug treatment services with justice system case processing;**

(b) Use a nonadversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights;

(c) Eligible participants are identified early and promptly placed in the treatment program;

(d) The treatment program provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;

(e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;

(f) A coordinated strategy governs treatment program responses to participants' compliance;

(g) Ongoing judicial interaction with each treatment program participant is essential;

(h) Monitoring and evaluation measure the achievement of program goals and gauge treatment program effectiveness;

(i) Continuing interdisciplinary education promotes effective treatment program planning, implementation, and operations;

(j) Forging partnerships among treatment programs, public agencies, and community-based organizations generates local support and enhances treatment program effectiveness.

4. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the intervention program. If the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the intervention program.

478.1115. 1. Any veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention program approved by the presiding judge of the circuit for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

2. While enrolled in an intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program. The coordinated strategy shall be provided in writing to the participant before the participant agrees to enter into a veterans' treatment intervention program. Any person whose charges are dismissed after successful completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of

the dismissed charges expunged under chapter 610.

3. At the end of the intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the prosecuting attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the intervention program. Notwithstanding the coordinated strategy developed by a team under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the intervention program.

4. Any public or private entity providing a substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. Except for services provided by the United States Department of Veterans Affairs, the terms of the contract shall include, but not be limited to, the following requirements:

- (1) The extent of the services to be rendered by the entity providing supervision or rehabilitation;
- (2) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association;
- (3) Staffing levels;
- (4) The number of face-to-face contacts with the offender;
- (5) Procedures for handling the collection of all offender fees and restitution;
- (6) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
- (7) Circumstances under which revocation of an offender's probation may be recommended;
- (8) Reporting and record-keeping requirements;
- (9) Default and contract termination procedures;
- (10) Procedures that aid offenders with job assistance; and
- (11) Procedures for accessing criminal history records of probationers. In addition, the entity shall supply the presiding judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity shall be open to inspection upon the request of the county, the court, the state auditor, and the office of administration, or agents thereof.

478.1120. For a person on probation who is a veteran or servicemember who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer to participate in a treatment program capable of treating the probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer is eligible through the United States Department of Veterans Affairs. The department of corrections is not required to spend state funds to implement this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 100, Page 5, Section 57.095, Line 5, by inserting after all of said section and line the following:

“313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 100, Page 18, Section 478.007, Lines 1-23, by deleting all of said section and lines and inserting in lieu thereof the following:

“478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person’s blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department’s role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 100, Page 7, Section 443.375, Line 37, by inserting after all of said section and line the following:

“452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) **“Coerce” means to force a person to act in a given manner or to compel by pressure or threat;**

(2) **“Custody” means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;**

[(2)] (3) “Joint legal custody” means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights,

responsibilities, and authority;

[(3)] (4) “Joint physical custody” means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

[(4)] (5) “Third-party custody” means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child’s parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child’s best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child’s adjustment to the child’s home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child’s custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

- (e) A violation of section 568.080;
- (f) A violation of section 568.090; or
- (g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the

rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 7 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

14. If the court finds that a parent of a child, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion, the court may deny custody to the parent.”; and

Further amend said bill, Page 7, Section 452.400, Line 26, by inserting after all of said line the following:

“(c) The court may exercise its discretion in granting visitation to a parent not granted custody if such parent, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion.”; and

Further amend said section, Page 11, Line 150, by inserting after all of said line the following:

“453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) “Coerce” means to force a person to act in a given manner or to compel by pressure or threat;

(2) “Minor” or “child”, any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one;

[(2)] (3) “Parent”, a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

[(3)] (4) “Putative father”, the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087; and

[(4)] (5) “Stepparent”, the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 100, Page 20, Section 488.426, Line 20, by inserting after all of said line the following:

“488.2230. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars per case for each municipal ordinance violation case, except that no such additional cost shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SB 12**, entitled:

An Act to repeal sections 56.807, 488.026, 559.100, 559.105, 570.120, 600.042, 600.044, and 600.090, RSMo, and to enact in lieu thereof eleven new sections relating to judicial procedures, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 9 and 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 12, Page 4, Section 537.865, Lines 1-6, by deleting all of said section and lines from the bill; and

Further amend said bill, Sections 600.042, 600.044, 600.052, 600.053, 600.090, Section B and Section C, Pages 8-14, by deleting all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 12, Page 14, Section 600.090, Line 70, by inserting after all of said section and line the following:

“Section 1. 1. The department of mental health shall develop guidelines for the screening and assessment of persons receiving services from the department or its contracted, licensed, certified, or funded providers that address the interaction between physical and mental health to ensure that all potential causes of changes in behavior or mental status caused by or associated with a medical condition are assessed. Such guidelines shall be issued by the department to its contracted, licensed, certified, and funded providers.

2. The department of mental health shall develop training that addresses appropriate assessment of behavior or mental status changes in persons receiving services from the department or its contracted, licensed, certified, or funded providers. Such training shall be made available by the department to its contracted, licensed, certified, or funded providers.

3. The provisions of this section shall not apply to long-term care facilities licensed under chapter 198 or hospitals licensed under chapter 197.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 12, Page 14, Section 600.090, Line 70, by inserting after all of said section and line, the following:

“631.165. If the head of the alcohol or drug abuse facility finds that a person who is detained for treatment and rehabilitation is presenting a likelihood of serious harm as a result of mental disorder other than alcohol or drug abuse, or both, or is gravely disabled, the head of the facility shall arrange for the transfer of the person to a mental health facility through a mental health coordinator, or through a licensed physician, registered professional nurse, qualified counselor or mental health professional designated by the mental health facility. The person may be detained for up to ninety-six hours for evaluation and treatment, under the procedures of sections 632.310, 632.315, 632.320 and 632.325, before filing a petition for further detention under sections 632.330 and 632.335.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the

following terms shall mean:

(1) “Comprehensive psychiatric services”, any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) “Council”, the Missouri advisory council for comprehensive psychiatric services;

(3) “Court”, the court which has jurisdiction over the respondent or patient;

(4) “Division”, the division of comprehensive psychiatric services of the department of mental health;

(5) “Division director”, director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) **“Gravely disabled”, a condition in which a person, as a result of mental illness or mental disorder, lacks judgment in the management of his or her resources and in the conduct of his or her social relations to the extent that his or her health or safety is significantly endangered and he or she lacks the capacity to understand that this is so. A person of any age can be gravely disabled, but such term shall not include a person who has a developmental disability unless such person also has a mental illness or mental disorder. The determination of gravely disabled shall be based upon the person’s mental illness or mental disorder;**

(7) “Head of mental health facility”, superintendent or other chief administrative officer of a mental health facility, or his designee;

[(7)] (8) “Judicial day”, any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

[(8)] (9) “Licensed physician”, a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

[(9)] (10) “Licensed professional counselor”, a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

[(10)] (11) “Likelihood of serious harm” means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself; **or**

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in

serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

[(11)] (12) “Mental health coordinator”, a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

[(12)] (13) “Mental health facility”, any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

[(13)] (14) “Mental health professional”, a psychiatrist, resident in psychiatry, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

[(14)] (15) “Mental health program”, any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

[(15)] (16) “Ninety-six hours” shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

[(16)] (17) “Peace officer”, a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

[(17)] (18) “Psychiatric nurse”, a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

[(18)] (19) “Psychiatric social worker”, a person with a master’s or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (20) “Psychiatrist”, a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] (21) “Psychologist”, a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] (22) “Resident in psychiatry”, a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] (23) “Respondent”, an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] (24) “Treatment”, any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

632.150. 1. A voluntary patient who has applied for his own admission may request his release either orally or in writing to the head of the mental health facility and shall be released immediately; except, that if the head of the facility determines that he is mentally disordered and, as a result, presents a likelihood of serious physical harm to himself or others, **or is gravely disabled**, the head of the facility may refuse the request for release.

2. If the request for release is refused, the mental health facility may detain the person only if a mental health coordinator, a licensed physician, a registered professional nurse designated by the facility and approved by the department, a mental health professional or a peace officer completes an application for detention for evaluation and treatment to begin the involuntary detention of the patient under this chapter.

632.155. 1. A voluntary patient who is a minor and who requests his release either orally or in writing, or whose release is requested in writing to the head of the facility by his parent, spouse, adult next of kin, or person entitled to his custody, shall be released immediately; except, that if the patient was admitted on the application of another person, his release shall be conditioned upon receiving the consent of the person applying for his admission.

2. If the head of the mental health facility determines that the minor is mentally disordered and, as a result, presents a likelihood of serious physical harm to himself or others, **or is gravely disabled**, the head of the facility may refuse the release. The mental health facility may detain the minor only if a mental health coordinator, a licensed physician, a mental health professional or a registered professional nurse designated by the facility and approved by the department completes an application for detention for evaluation and treatment to begin the involuntary detention of the minor under this chapter or, if appropriate, the minor is detained in the facility under the provisions of chapter 211.

632.300. 1. When a mental health coordinator receives information alleging that a person, as the result of a mental disorder, presents a likelihood of serious harm to himself or others, **or that the person is gravely disabled**, he shall:

- (1) Conduct an investigation;
- (2) Evaluate the allegations and the data developed by investigation; and
- (3) Evaluate the reliability and credibility of all sources of information.

2. If, as the result of personal observation or investigation, the mental health coordinator has reasonable cause to believe that such person is mentally disordered and, as a result, presents a likelihood of serious

harm to himself or others, **or that the person is gravely disabled**, the mental health coordinator may file an application with the court having probate jurisdiction pursuant to the provisions of section 632.305; provided, however, that should the mental health coordinator have reasonable cause to believe, as the result of personal observation or investigation, that the likelihood of serious harm by such person to himself or others as a result of a mental disorder is imminent unless the person is immediately taken into custody, **or the person is gravely disabled and there exists an imminent risk to the person's health or safety unless such person is immediately taken into custody**, the mental health coordinator shall request a peace officer to take or cause such person to be taken into custody and transported to a mental health facility in accordance with the provisions of subsection 3 of section 632.305.

3. If the mental health coordinator determines that involuntary commitment is not appropriate, he should inform either the person, his family or friends about those public and private agencies and courts which might be of assistance.

632.305. 1. An application for detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and must allege under oath that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or to others, **or is gravely disabled**. The application must specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or others, **or is gravely disabled**, it shall direct a peace officer to take the respondent into custody and transport him to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or others is imminent unless such person is immediately taken into custody, **or the person is gravely disabled and there exists an imminent risk to the person's health or safety unless such person is immediately taken into custody**. Upon arrival at the mental health facility, the peace officer or mental health coordinator who conveyed such person or caused him to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself or is presented by others to a mental health facility and a licensed

physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself or others unless he is accepted for detention, **or the person is gravely disabled and there exists an imminent risk to the person's health or safety unless such person is accepted for detention**, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his own personal observations or investigation and shall contain the information required in subsection 1 of this section.

632.330. 1. At the expiration of the ninety-six hour period, the respondent may be detained and treated involuntarily for an additional two judicial days only if the head of the mental health facility or a mental health coordinator either has filed a petition for additional inpatient detention and treatment not to exceed twenty-one days or has filed a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days.

2. Within ninety-six hours following initial detention, the head of the facility or the mental health coordinator may file or cause to be filed either a petition for a twenty-one-day inpatient involuntary detention and treatment period or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days, provided he has reasonable cause to believe that the person is mentally ill and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**. The court shall serve the petition and list of prospective witnesses for the petitioner upon the respondent and his attorney at least twenty-four hours before the hearing. The head of the facility shall also notify the mental health coordinator if the petition is not filed by the mental health coordinator. The petition shall:

(1) Allege that the respondent, by reason of mental illness, presents a likelihood of serious harm to himself or to others, **or is gravely disabled**;

(2) Allege that the respondent is in need of continued detention and treatment either on an inpatient basis or on an outpatient basis;

(3) Allege the specific behavior of the respondent or the facts which support such conclusion;

(4) Affirm that attempts were made to provide necessary care, treatment and services in the least restrictive environment to the respondent on a voluntary basis, but either the petitioner believes that the respondent lacks the capacity to voluntarily consent to care, treatment and services or the respondent refuses to voluntarily consent to care, treatment and services such that proceeding with a petition for the respondent's civil detention in the least restrictive environment is necessary;

(5) Allege that there will be appropriate support from family, friends, case managers or others during the period of outpatient detention and treatment in the community if such commitment is sought;

(6) Specify the mental health program that is appropriate to handle the respondent's condition and that has agreed to accept the respondent;

(7) Specify the range of care, treatment and services that shall be provided to the respondent if the petition for further detention is sustained by the court;

(8) Name the entities that have agreed to fund and provide the specified interventions; and

(9) Be verified by a psychiatrist or by a licensed physician and a mental health professional who have examined the respondent.

3. The petitioner shall consider whether based on the respondent's condition and treatment history, the respondent meets the criteria in chapter 475, so that appointment of a full or limited guardian or conservator is appropriate for the court to consider, and if deemed so, the petitioner then shall proceed as specified in subsection 4 of this section.

4. If the head of the mental health facility, or his designee, or the mental health coordinator believes that the respondent, because of a mental illness or mental disorder, may be incapacitated or disabled as defined in chapter 475, the head of the mental health facility or mental health coordinator shall cause a petition to be filed pursuant to section 475.060 and section 475.061, if applicable, with the court having probate jurisdiction as determined by section 475.035. In addition, if the head of the mental health facility, his designee or the mental health coordinator believes it appropriate, he shall proceed with obtaining an order for the respondent's temporary emergency detention as provided for in section 475.355. Furthermore, the hearing on the petition filed pursuant to chapter 475 shall be conducted pursuant to the requirements of section 475.075 and other appropriate sections of chapter 475, and shall be held within two judicial days after termination of the ninety-six-hour civil detention period unless continued for good cause shown. Nothing contained in this subsection shall restrict or prohibit the head of the mental health facility, his designee or the mental health coordinator from proceeding under the appropriate provisions of this chapter if the petition for guardianship or conservatorship is denied.

632.335. 1. The petition for additional inpatient detention and treatment not to exceed twenty-one days or the petition for outpatient detention and treatment not to exceed one hundred eighty days shall be filed with the court having probate jurisdiction. At the time of filing the petition, the court clerk shall set a date and time for the hearing which shall take place within two judicial days of the filing of the petition. The clerk shall promptly notify the respondent, his attorney, the petitioner and the petitioner's attorney of the date and time for the hearing. The court shall not grant continuances except upon a showing of good and sufficient cause. If a continuance is granted, the court, in its discretion, may order the person released pending the hearing upon conditions prescribed by the court. The court may order the continued detention and treatment of the person at a mental health facility pending the continued hearing, and a copy of such order shall be furnished to the facility.

2. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the respondent. Due consideration shall be given by the court to holding a hearing at the mental health facility. The respondent shall have the following rights in addition to those specified elsewhere:

- (1) To be represented by an attorney;
- (2) To present evidence on his own behalf;
- (3) To cross-examine witnesses who testify against him;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file of his case;
- (6) To have the hearing open or closed to the public as he elects;
- (7) To be proceeded against according to the rules of evidence applicable to civil judicial proceedings;
- (8) A hearing before a jury if requested by the patient or his attorney.

3. The respondent shall be present at the hearing, unless the respondent's physical condition is such that

he cannot be present in the courtroom or if the court determines that the respondent's conduct in the courtroom is so disruptive that the proceedings cannot reasonably continue.

4. At the conclusion of the hearing, if the court finds, based upon clear and convincing evidence, that respondent, as the result of mental illness, presents a likelihood of serious harm to himself or to others, **or is gravely disabled**, and that a mental health program appropriate to handle the respondent's condition has agreed to accept him, the court shall order either that the respondent be detained for inpatient involuntary treatment in the least restrictive environment for a period not to exceed twenty-one days or be detained for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.337. 1. When the court has ordered up to one hundred eighty days of outpatient detention and treatment pursuant to section 632.335 or 632.350 or 632.355, and the supervisory mental health program has good cause to believe that immediate detention in a more appropriate least restrictive environment is required because the respondent presents a likelihood of serious harm, **or is gravely disabled** due to mental illness, the supervisory mental health program may direct that the respondent be detained for up to ninety-six hours at an appropriate mental health program that has agreed to accept the respondent and may authorize the sheriff to detain and transport the respondent to that mental health program. Detention for more than ninety-six hours shall be pursuant to section 632.330.

2. Evidence of detention for ninety-six-hour periods during the one hundred eighty-day outpatient detention and treatment may be considered by the court in determining additional periods of detention and treatment.

632.340. 1. Before the expiration of the twenty-one-day inpatient detention and treatment period ordered pursuant to section 632.335, the court may order the respondent to be detained and treated involuntarily for an additional period not to exceed ninety inpatient days or may order the respondent to be detained for outpatient detention and treatment for a period not to exceed one hundred eighty days; provided, that:

(1) The respondent is mentally ill and continues to present a likelihood of serious harm to himself or others, **or is gravely disabled**; and

(2) The court, after a hearing, orders the respondent detained and treated for the additional period.

2. If, within seventeen days of the court hearing described in section 632.335, the head of the mental health program or the mental health coordinator has reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**, and believes that further detention and treatment is necessary, he shall file, or cause to be filed, with the court a petition for ninety days additional detention and treatment or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days. The court shall immediately set a date and time for a hearing on the petition, which shall take place within four judicial days of the date of the filing of the petition. The court shall serve a copy of the petition and the notice of the date and time of the hearing upon the petitioner, the respondent, and their attorneys as promptly as possible, but not later than two judicial days after the filing of the petition. The petitioner shall also file with the court, for the court to serve upon the respondent's attorney not later than two judicial days after the filing of the petition, a list of the proposed witnesses for the petitioner. The head of the mental health program shall notify the mental health coordinator if the petition is not filed by the mental health coordinator. The petition shall comply with the requirements of section 632.330, and an individualized treatment plan for the respondent shall be attached thereto.

632.350. 1. The hearing for a ninety-day inpatient detention and treatment period or for outpatient detention and treatment for a period not to exceed one hundred eighty days shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the respondent. If a jury trial is not requested, due consideration shall be given by the court to holding a hearing at the mental health program. The hearing shall be held in accordance with the provisions set forth in section 632.335. 2. The burden of proof at the hearing shall be by clear and convincing evidence and shall be upon the petitioner.

3. If the matter is tried before a jury, the jury shall determine and shall be instructed only upon the issues of whether or not the respondent is mentally ill and, as a result, presents a likelihood of serious harm to himself or others, **or is gravely disabled**. The remaining procedures for the jury trial shall be as in other civil matters.

4. The respondent shall not be required to file an answer or other responsive pleading.

5. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious harm to himself or to others, **or is gravely disabled**, and the court finds that a program appropriate to handle the respondent's condition has agreed to accept him, the court shall order the respondent to be detained for involuntary treatment in the least restrictive environment for a period not to exceed ninety days or for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.355. 1. At the expiration of the ninety-day inpatient commitment period ordered by the court pursuant to section 632.350, the respondent may be detained and treated as an involuntarily inpatient for an additional period of time not to exceed one year or such lesser period of time as determined by the court or may be detained for outpatient detention and treatment for a period of time not to exceed one hundred eighty days; provided, that:

(1) The respondent is mentally ill and continues to present a likelihood of serious harm to himself or to others, **or is gravely disabled**; and

(2) The court after a hearing orders the person detained and treated for the additional period.

2. Within the ninety-day commitment period, the head of the mental health program or the mental health coordinator may file or cause to be filed, in compliance with the requirements of section 632.330, a petition for a one-year inpatient detention and treatment period or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days if he has reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**, and that further detention and treatment is necessary pursuant to an individualized treatment plan prepared by the program and filed with the court. Procedures specified in sections 632.340, 632.345 and 632.350 shall be followed.

3. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious harm to himself or others, **or is gravely disabled**, and the court finds that a program appropriate to handle the respondent's condition has agreed to accept him, the court shall order that the respondent be detained for involuntary treatment in the least restrictive environment for a period not to exceed one year or for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.375. 1. At least once every one hundred eighty days, the head of each mental health program shall

have each respondent who is detained at the program for a one-year period under this chapter examined and evaluated to determine if the respondent continues to be mentally ill, and as a result presents a likelihood of serious harm to himself or others, **or is gravely disabled**. The court, the mental health coordinator for the region, the respondent and the respondent's attorney shall be provided copies of the report of the examination and evaluation described by this section and the respondent's individualized treatment plan.

2. Upon receipt of the report, the court may, upon its own motion, or shall, upon the motion of the respondent, order a hearing to be held as to the need for continued detention and involuntary treatment. At the conclusion of the hearing, the court may order:

(1) The discharge of the respondent; or

(2) An appropriate least restrictive course of detention and involuntary treatment; or

(3) The respondent to be remanded to the mental health program for the unexpired portion of the original commitment order.

632.390. 1. The head of a mental health program shall release any person who is involuntarily detained under this chapter when, in his opinion, the person is no longer mentally ill or, although mentally ill, does not present a likelihood of serious harm to himself or others, **or is no longer gravely disabled**, even though the detention period has not expired.

2. Whenever the head of a mental health program discharges a person prior to the expiration of the detention order, he shall notify in writing the court and the mental health coordinator.

3. Whenever a respondent voluntarily admits himself and the head of a mental health program accepts the admission application submitted by respondent in good faith under section 632.105, the respondent's involuntary detention shall cease, and the head of the program shall notify, in writing, the court and the mental health coordinator.

632.430. 1. Appeals from court orders made under this chapter may be made by the respondent or by the petitioner to the appropriate appellate court pursuant to the rules of civil procedure of the supreme court of Missouri pertaining to appeals. Such appeal shall have priority on the docket of the appellate court and shall be expedited in all respects. The court shall notify the attorney general's office whenever an appeal is filed under this subsection, and the attorney general shall represent the state when it is a party to such appeal.

2. A motion to stay any order restricting an individual's liberty may be filed in either the court or the appropriate appellate court. A stay order shall not be granted in any case where the court finds that the person is so mentally ill that there is an imminent likelihood of serious physical harm to himself or others if he is not detained or treated pending appeal **or the person is gravely disabled and there exists an imminent risk to the person's health or safety if such person is not detained or treated pending appeal**. Any refusal to grant a stay by the court may be reviewed by the appropriate appellate court on motion."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 12, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall

not release the home address of or any information that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer, a federal pretrial officer, a peace officer pursuant to section 590.010, a person vested by article V, section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or a member of such person's immediate family contained in the department's motor vehicle or driver registration records, based on a specific request for such information from any person. Any such person may notify the department of his or her status and the department shall protect the confidentiality of the home address and vehicle records on such a person and his or her immediate family as required by this section. [If such member of the judiciary's status changes and he or she and his or her immediate family do not qualify for the exemption contained in this subsection, such person shall notify the department and the department's records shall be revised.] This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

43.518. 1. There is hereby established within the department of public safety a "Criminal Records and Justice Information Advisory Committee" whose purpose is to:

(1) Recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository;

(2) Assess the current state of electronic justice information sharing; and

(3) Recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, and coordinating among the necessary agencies and institutions; and

(4) Provide guidance regarding the use of any state or federal funds appropriated for promoting electronic justice information sharing.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the [circuit court budget] **court automation** committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register;

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age."; and

Further amend said bill, Page 3, Section 56.807, Line 74, by inserting after all of said section and line the following:

“57.095. Notwithstanding section 537.600, sheriffs or any other law enforcement officers shall have immunity from any liability, civil or criminal, while conducting service of process at the direction of any court to the extent that the officers’ actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

432.047. 1. For the purposes of this section, the term “credit agreement” means an agreement to lend or forbear repayment of money, to otherwise extend credit, or to make any other financial accommodation.

2. A debtor may not maintain an action upon or a defense, regardless of legal theory in which it is based, in any way related to a credit agreement unless the credit agreement is in writing, provides for the payment of interest or for other consideration, [and] sets forth the relevant terms and conditions, **and the credit agreement is executed by the debtor and the lender.**

3. (1) [If] **When** a written credit agreement has been signed by a debtor, subsection 2 of this section shall not apply to any credit agreement between such debtor and creditor unless such written credit agreement contains the following language in boldface ten-point type: “Oral **or unexecuted** agreements or commitments to loan money, extend credit or to forbear from enforcing repayment of a debt including promises to extend or renew such debt are not enforceable, regardless of the legal theory upon which it is based that is in any way related to the credit agreement. To protect you (borrower(s)) and us (creditor) from misunderstanding or disappointment, any agreements we reach covering such matters are contained in this writing, which is the complete and exclusive statement of the agreement between us, except as we may later agree in writing to modify it.”.

(2) Notwithstanding any other law to the contrary in this chapter, the provisions of this section shall apply to commercial credit agreements only and shall not apply to credit agreements for personal, family, or household purposes.

4. Nothing contained in this section shall affect the enforceability by a creditor of any promissory note, guaranty, security agreement, deed of trust, mortgage, or other instrument, agreement, or document evidencing or creating an obligation for the payment of money or other financial accommodation, lien, or security interest.

443.723. 1. To meet the annual continuing education requirements referred to in sections 443.701 to 443.893, a licensed mortgage loan originator shall complete at least eight hours of education approved in accordance with subsection 2 of this section, which shall include at least:

(1) Three hours of federal law and regulations;

(2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; [and]

(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace; **and**

(4) One hour of Missouri law and regulations.

2. For purposes of subsection 1 of this section, continuing education courses shall be reviewed, and approved by the NMLSR based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider.

3. Nothing in this section shall preclude any education course, as approved by the NMLSR, that is provided by the employer of the mortgage loan originator or person who is affiliated with the mortgage loan

originator by an agency contract, or any subsidiary or affiliate of such employer or person.

4. Continuing education may be offered either in a classroom, online, or by any other means approved by the NMLSR.

5. A licensed mortgage loan originator:

(1) Shall only receive credit for a continuing education course in the year in which the course is taken except in the case of an expired license and under subsection 9 of this section; and

(2) Shall not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

6. A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two hours credit for every one hour taught.

7. A person having successfully completed the education requirements approved by the NMLSR in subdivisions (1) to (3) of subsection 1 of this section for any state shall be accepted as credit towards completion of continuing education requirements in Missouri.

8. A licensed mortgage loan originator who subsequently becomes unlicensed shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

9. A person meeting the requirements of subdivisions (1) and (3) of subsection 2 of section 443.719 may make up any deficiency in continuing education as established by rule of the director.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child.

(2) (a) The court shall not grant visitation to the parent not granted custody if such parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents,

children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution, [or] legal separation **or judgment of paternity**. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type:

“PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

- (1) **AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;**
- (2) **PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;**
- (3) **ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;**
- (4) **REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;**
- (5) **ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH**

THE PARENT-CHILD RELATIONSHIP
BETWEEN THE AGGRIEVED PARTY AND
THE CHILD; AND

- (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY.”.

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

(1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;

(2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;

(3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;

(4) Requiring the violator to post bond or security to ensure future compliance with the court's access orders; and

(5) Ordering the violator to pay the cost of counseling to reestablish the parent-child relationship between the aggrieved party and the child.

7. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

8. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

9. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

453.040. The consent to the adoption of a child is not required of:

(1) A parent whose rights with reference to the child have been terminated pursuant to law, including section 211.444 or section 211.447 or other similar laws in other states;

(2) A parent of a child who has legally consented to a future adoption of the child;

(3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of the petition;

(4) A man who has not been established to be the father and who is not presumed by law to be the father, and who, after the conception of the child, executes a verified statement denying paternity and disclaiming any interest in the child and acknowledging that this statement is irrevocable when executed and follows the consent as set forth in section 453.030;

(5) A parent or other person who has not executed a consent and who, after proper service of process, fails to file an answer or make an appearance in a proceeding for adoption or for termination of parental rights at the time such cause is heard;

(6) A parent who has a mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(7) A parent who has for a period of at least six months, for a child one year of age or older, or at least sixty days, for a child under one year of age, immediately prior to the filing of the petition for adoption, willfully abandoned the child or, for a period of at least six months immediately prior to the filing of the petition for adoption, willfully, substantially and continuously neglected to provide him with necessary care and protection;

(8) A man who has reason to believe he is the biological father of an unborn child and who attempted to coerce the mother of the child to obtain an abortion;

(9) A parent whose rights to the child may be terminated for any of the grounds set forth in section 211.447 and whose rights have been terminated after hearing and proof of such grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an adoption petition.

476.057. 1. The state courts administrator shall determine the amount of the projected total collections of fees pursuant to section 488.015, payable to the state pursuant to section 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected total collections of fees required to be deposited into the fund in order to maintain the fund required pursuant to subsection 2 of this section. The amount of fees payable for court cases may thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund established pursuant to subsection 2 of this section.

2. There is hereby established in the state treasury a special fund for purposes of providing training and education for judicial personnel, including any clerical employees of each circuit court clerk. Moneys from collected fees shall be annually transferred by the state treasurer into the fund from the state general revenue fund in the amount of no more than two percent of the amount expended for personal service by state and local government entities for judicial personnel as determined by the state courts administrator pursuant to subsection 1 of this section. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the state general revenue fund, until the amount in the fund exceeds two percent of the amounts expended for personal service by state and local government for judicial personnel.

3. In addition, any moneys received by or on behalf of the state courts administrator from fees, grants, or any other sources in connection with providing training to judicial personnel shall be deposited in the fund provided, however, that moneys collected in the fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.

4. The state treasurer shall administer the fund and, pursuant to appropriations, shall disburse moneys from the fund to the state courts administrator in order to provide training and to purchase goods and services determined appropriate by the state courts administrator related to the training and education of judicial personnel. As used in this section, the term “judicial personnel” shall include court personnel as defined in section 476.058, and judges.”; and

Further amend said bill, Page 4, Section 488.026, Line 12, by inserting after all of said section and line the following:

“488.2250. [For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter’s fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter’s fees provided in this section shall be made by the state upon a voucher approved by the court] **1. For all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.**

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter’s fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter the sum provided in subsection 1 of this section.

513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person’s interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or

musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such

person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan [or] , profit-sharing plan, **health savings plan, or similar plan, including an inherited account or plan**, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise**, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

537.602. 1. As used in this section the following terms shall mean:

(1) "Community service work", any work which is performed without compensation and is required in exchange for deferred prosecution of any criminal charge by any federal, state, or local prosecutor under a written agreement;

(2) "Entity", includes any person, for profit or not-for-profit business, agency, group, charity, organization, or any unit of federal, state or local government or any of their employees.

2. Any entity which supervises community service work performed as a requirement for

deferment of any criminal charge under a written agreement with a federal, state, or local prosecutor, or any entity which derives benefits from the performance of community service work shall be immune from any suit by the person performing the community service work or by any person deriving a cause of action from the person performing the community service work if that cause of action arises from the supervision of the work performed, except that the entity supervising the work shall not be immune from any suit for gross negligence or for an intentional tort.

3. Community service work shall not be deemed employment within the meaning of the provisions of chapter 288 and a person performing community service work under the provisions of this section shall not be deemed an employee within the meaning of the provisions of chapter 287.

545.417. Any party who takes a deposition in any criminal case shall be responsible for the costs of providing one copy of the transcript of such deposition to the opposing party.”; and

Further amend said bill, Page 4, Section 537.865, Line 6, by inserting after all of said section and line the following:

“541.033. 1. Persons accused of committing offenses against the laws of this state, except as may be otherwise provided by law, shall be prosecuted:

(1) In the county in which the offense is committed; or

(2) If the offense is committed partly in one county and partly in another, or if the elements of the crime occur in more than one county, then in any of the counties where any element of the offense occurred.

2. Persons accused of committing the offenses of identity theft against the laws of this state in sections 570.223, 570.224, and 575.120 shall be prosecuted:

(1) In the county in which the offense is committed;

(2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred;

(3) In the county in which the victim resides; or

(4) In the county in which the property obtained or attempted to be obtained was located.

3. Persons accused of committing the offense of making a terrorist threat against a school under section 574.115 shall be prosecuted:

(1) In the county in which the offense is committed;

(2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred;

(3) In the county in which the school that was the target of the threat is located; or

(4) In the county in which accused resides.”; and

Further amend said bill, Page 6, Section 559.105, Line 28, by inserting after all of said section and line the following:

“565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and, **if a person has reached his or her eighteenth birthday at the time of the commission of the crime**, the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his **or her** [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be **either** imprisonment for life without eligibility for probation or parole, or release except by act of the governor, **or life imprisonment with eligibility for parole after fifty years**.

3. **If the person has not reached his or her eighteenth birthday at the time of the commission of the crime, the court shall hold a hearing upon the motion of the prosecuting attorney to determine whether the mandatory sentence of life imprisonment should be without the possibility of parole or with eligibility for parole after fifty years. Such motion shall be filed within fourteen days of the person's conviction. In the event the prosecuting attorney does not file such a motion within fourteen days, the sentence shall be life with eligibility for parole after fifty years.**

4. **The motion of the prosecuting attorney shall specify the basis on which he or she believes the proper sentence shall be life without the possibility of parole.**

5. **At such hearing, the court shall consider both the statutory aggravating circumstances under subsection 2 of section 565.032 and the statutory mitigating circumstances under subsection 3 of section 565.032.**

6. **At the sentencing, the court shall specify on the record the statutory aggravating circumstances and the statutory mitigating circumstances considered by the court, and the court's reasons supporting the sentence imposed. The court may consider evidence presented at trial together with any new evidence presented at the sentencing hearing.**

7. **The procedures specified in subsections 3, 4, 5 and 6 of this section shall not apply to any case that is final for purposes of appeal on or before the enactment date of this section. A case is final for purposes of appeal when the time for filing an appeal in the Missouri Court of Appeals has expired; if an appeal was filed in the Missouri Court of Appeals, when the time for filing an application for transfer to the Missouri Supreme Court has expired; if an application for transfer to the Missouri Supreme Court has been filed, when the application for transfer was denied or when a timely filed motion for rehearing was denied; or if the Missouri Supreme Court granted transfer, when the Missouri Supreme Court rendered its decision or when a timely filed motion for rehearing was denied.**

8. **Any person sentenced to imprisonment for life without the eligibility for probation or parole for a crime committed before the person reached his or her eighteenth birthday, and who was sentenced prior to the effective date of this section, may file a motion in the sentencing court for a sentencing hearing. Such sentencing hearing shall be heard by the judge. The sole purpose of the sentencing hearing shall be to determine if the sentence of imprisonment for life without the eligibility for probation or parole which was originally imposed shall remain or should be amended to life with eligibility for parole after fifty years.**

9. **This section shall have an emergency clause and shall be effective upon signature by the governor.”; and**

Further amend said bill, Page 8, Section 570.120, Line 78, by inserting after all of said section and line, the following:

“589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is [exempted] **exempt** from registering under subsection [8] **9** of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law **unless such person’s name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section;** or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution

of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri **unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section.** "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection [7 or 8] **4, 8, or 9** of this section and the court orders the removal or exemption of such person from the registry.

4. **Any person on the sexual offender registry under subdivision (5) or (6) of subsection 1 of this section may file a petition for removal from the registry after five years have passed from the later of the date the offender was found guilty of the offense that requires registration or the date the person was released from custody for such offense. The petition may be filed in the circuit court in the county in which the person was found guilty of the offense, or, if the offense was adjudicated outside the state, the person may file a petition in the circuit court in the county in which the person resides after such person has been a resident of Missouri for at least five years prior to filing the petition. The court shall grant the petition and enter an order directing the removal of the petitioner's name and information from the sexual offender registry unless it finds that the petitioner, in this state or any other state, territory, the District of Columbia, foreign country, or federal, tribal, or military jurisdiction:**

(1) **Has been adjudicated of, or has charges pending, for failure to register;**

(2) **Has been adjudicated of, or has charges pending for, any additional offense which would require registration as a sexual offender under this section, or section 211.425, and which occurred after the date such person initially registered as a sexual offender;**

(3) **Has not successfully completed any required period of supervised release, probation, or parole;**
or

(4) If the petitioner's offense was adjudicated outside the state, such person has not been a resident of Missouri for at least five years prior to filing the petition.

If the petition was not granted solely because the petitioner had charges pending for failure to register or an additional offense that would require registration and such charges are subsequently dismissed or the petitioner is acquitted of the pending charges, the person may file a new petition at any time after the dismissal or acquittal of the pending charges. If the denial is based on a finding of guilt for an offense that would require registration under this section, or section 211.425, no successive petition shall be filed. If the denial is based on a finding of guilt for failure to register, the person may file a new petition after five years have passed from the date the person was found guilty for failure to register. If the denial is based on the petitioner not completing a required period of supervised release, probation, or parole and the petitioner subsequently completes the period of supervised release, probation, or parole, then the person may file a new petition at any time after completing such period of release, probation, or parole. If the petition is denied because the petitioner's offense was adjudicated outside the state and the petitioner has not been a resident of Missouri for at least five years prior to filing the petition, such person may file a new petition at any time after residing in the state for the required five-year period. Beginning August 28, 2013, information regarding any person whose offense was committed in Missouri, or in any other state, when such person was under eighteen years of age shall be immediately removed from the highway patrol's website created under section 43.650 and any local law enforcement website allowed under section 589.402 regardless of whether such person has a petition granted under this subsection.

5. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

[5.] 6. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[6.] 7. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

[7.] 8. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

[8.] 9. Effective August 28, 2009, any person on the sexual offender registry for having been convicted

of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

[9.] **10.** (1) The court may grant such relief under subsection [7] **8** or [8] **9** of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

[10.] **11.** Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection [9] **10** of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection [9] **10** of this section.

[11.] **12.** Any person whose name is removed or exempted from the sexual offender registry under subsection [7] **8** or [8] **9** of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a [web page] **website** on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of,

found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register;

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age."; and

Further amend said bill, Page 8, Section 600.042, Line 3, by deleting the phrase "he and the chief deputy director" and inserting in lieu thereof the phrase "he **or she** and the [chief] deputy director **or directors**"; and

Further amend said bill, Page 9, said Section, Line 23, by deleting the word "providing" and insert in lieu thereof the phrase "[providing] **provision**"; and

Further amend said bill, said Page, said Section, Lines 29-31, by deleting all of said Lines and inserting in lieu thereof the following:

"instructions consistent with this chapter defining the organization of [his office] **the state public defender system** and the responsibilities of [public] **division directors, district** defenders, [assistant

public] **deputy district** defenders, [deputy] **assistant** public defenders and other personnel;”; and

Further amend said bill, page, and section, Line 36, by deleting the open bracket “[“; and

Further amend said bill, Page 10, said Section, Lines 39-51, by deleting all of said Lines and inserting in lieu thereof the following:

“(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system;

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house of representatives judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2018.”; and

Further amend said bill, page, and section, Line 60, by deleting said Line and inserting in lieu thereof the following:

“4. The director and defenders shall”; and

Further amend said bill, page, and section, Line 62, by deleting the phrase “**class A or B**”; and

Further amend said bill, page, and section, Line 64, by deleting the open bracket “[“; and

Further amend said bill, page, and section, Line 66, by inserting immediately after the word “case” the following:

“, **unless the prosecuting or circuit attorney has waived a jail sentence**”; and

Further amend said bill, page, and section, Line 67, by deleting said Line and inserting in lieu thereof the following:

“(3) Who is [detained or] charged with a violation of probation [or parole] **when it has been determined by a judge that the appointment of counsel is necessary to protect the person’s due process rights under section 559.036;**”; and

Further amend said bill, page, and section, Lines 68-69, by deleting all of said Lines and inserting in lieu thereof the following:

“(4) Who has been taken into custody pursuant to section 632.489, including appeals from”; and

Further amend said bill, page, and section, Line 72, by deleting the phrase “[**(5)**] **(4)**” and inserting in lieu thereof the number “**(5)**”; and

Further amend said bill, Page 11, Section 600.042, Line 74, by deleting said Line and inserting in lieu thereof the following:

“(6) [For whom,] **Who is charged** in a case in which he **or she** faces a loss or deprivation of liberty, **and in which the federal or the state constitution or any law**”; and

Further amend said bill, page, and section, Line 77, by inserting after the word “ordinances” the following:

“, **or misdemeanor offenses except as provided in this section**”; and

Further amend said bill, page, and section, Line 79, by deleting the open bracket “[“; and

Further amend said bill, page, and section, Line 81, by deleting the closed bracket “]”; and

Further amend said bill, page, and section, Lines 82-92, by deleting all of said Lines and insert in lieu thereof the following:

“indigency determinations and assigning counsel.”; and

Further amend said bill, Page 12, Section 600.053, Line 3, by inserting immediately after said Line the following:

“600.062. Notwithstanding the provisions of sections 600.017 and 600.042 to the contrary, neither the director nor the commission shall have the authority to limit the availability of a district office or any division director, district defender, deputy district defender, or assistant public defender to accept cases based on a determination that the office has exceeded a caseload standard. The director, commission, any division director, district defender, deputy district defender, or assistant public defender may not refuse to provide representation required under this chapter without prior approval from a court of competent jurisdiction.

600.063. 1. Upon approval by the director or the commission, any district defender may file a motion to request a conference to discuss caseload issues involving any individual public defender or defenders, but not the entire office, with the presiding judge of any circuit court served by the district office. The motion shall state the reasons why the individual public defender or public defenders will be unable to provide effective assistance of counsel due to caseload concerns. When a motion to request a conference has been filed, the clerk of the court shall immediately provide a copy of the motion to the prosecuting or circuit attorney who serves the circuit court.

2. If the presiding judge approves the motion, a date for the conference shall be set within thirty days of the filing of the motion. The court shall provide notice of the conference date and time to the district defender and the prosecuting or circuit attorney.

3. Within thirty days of the conference, the presiding judge shall issue an order either granting or denying relief. If relief is granted, it shall be based upon a finding that the individual public defender or defenders will be unable to provide effective assistance of counsel due to caseload issues. The judge may order one or more of the following types of relief in any appropriate combination:

(1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of section 600.064;

(2) Investigate the financial status of any defendant determined to be eligible for public defender representation under section 600.086 and make findings regarding the eligibility of such defendants;

(3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases to proceed without the provision of counsel to the defendant;

(4) Modify the conditions of release ordered in any case in which the defendant is being represented by a public defender, including, but not limited to, reducing the amount of any bond required for release;

(5) Place cases on a waiting list for defender services, taking into account the seriousness of the case, the incarceration status of the defendant, and such other special circumstances as may be

brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or other interested parties; and

(6) Grant continuances.

4. Upon receiving the order, the prosecuting or circuit attorney and the district defender shall have ten days to file an application for review to the appropriate appellate court. Such appeal shall be expedited by the court in every manner practicable.

5. Nothing in this section shall deny any party the right to seek any relief authorized by law nor shall any provisions of this section be construed as providing a basis for a claim for post conviction relief by a defendant.

6. The commission and the supreme court may make such rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created by the commission under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

600.064. 1. Before a circuit court judge appoints private counsel to represent an indigent defendant, the judge shall:

(1) Investigate the defendant's financial status to verify that the defendant does not have the means to obtain counsel; and

(2) Provide each appointed lawyer, upon request, with an evidentiary hearing as to the propriety of the appointment, taking into consideration the lawyer's right to earn a livelihood and be free from involuntary servitude. If the judge determines after the hearing that the appointment will cause any undue hardship to the lawyer, the judge shall appoint another lawyer.

(3) Determine whether the private counsel to be appointed possesses the necessary experience, education, and expertise in criminal defense to provide effective assistance of counsel.

2. No judge shall require a lawyer to advance personal funds in any amount for the payment of litigation expenses to prepare a proper defense for an indigent defendant.

3. If an employee of the general assembly is appointed to represent an indigent defendant during the time period beginning January first and ending June first of each year, or whenever the general assembly is in a veto session or special session or is holding out-of-session committee hearings, the judge who made the appointment shall postpone the trial and all other proceedings of any kind or nature to a date that does not fall within such time period or appoint a different lawyer who is not an employee of the general assembly to represent the defendant.

4. Private counsel appointed to represent an indigent defendant may seek payment of litigation expenses from the public defender system. Such litigation expenses shall not include counsel fees and shall be limited to those expenses approved in advance by the director as reasonably necessary for the proper defense of the defendant.”; and

Further amend said bill, Page 14, Section C, Lines 1-6, by deleting all of said section and lines and

inserting in lieu there of the following:

“Section C. Because immediate action is necessary to protect public safety and to ensure the constitutionality of statutes regarding criminal procedure for juvenile offenders and quality of representation of indigent criminal defendants the enactment of sections 537.865, 565.020, and 600.053 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 537.865, 565.020, and 600.053 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 12, Page 4, Section 488.026, Line 12, by inserting after all of said line the following:

“488.2230. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars per case for each municipal ordinance violation case, except that no such additional cost shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 12, Page 4, Section 537.865, Line 6, by inserting after all of said section and line the following:

“568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) “Arrearage”:

(a) The amount of money created by a failure to provide support to a child under an administrative or judicial support order; or

(b) Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or

(c) Both paragraphs (a) and (b).

The arrearage shall reflect any retroactive support ordered under a modification, and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent;

(2) “Child” means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)] (3) “Good cause” means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

[(3)] (4) “Support” means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

6. (1) If at any time a defendant convicted of criminal nonsupport **or pleads guilty to a charge of criminal nonsupport** is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant’s financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due [may] **shall** be in such aggregate sums as is not greater than fifty percent of the defendant’s adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only.

(2) If the defendant fails to pay the [current] support and arrearages [as ordered] **under the terms of his or her probation**, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

(3) **After a period of not less than eight years, an individual who has pled guilty to or has been convicted of a first felony offense for criminal nonsupport under this section and who has successfully completed probation after a plea of guilt or was sentenced may petition the court for expungement of all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person has not been convicted of any subsequent offense; does not have any other felony pleas of guilt, findings of guilt or convictions; is current on all child support obligations; has paid off all arrearages; and has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement with respect to all children subject to orders of payment of child support or that the defendant has successfully**

completed a criminal nonsupport courts program under section 478.1000, the court shall enter an order of expungement. Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, and as if such event had never taken place. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement under this section. Nothing in this section shall prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under this section.

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the [child support enforcement service of the] family support division [of] **within** the department of social services **regarding child support enforcement services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is charged.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 12, Page 8, Section 570.120, Line 78, by inserting after all of said section and line the following:

“578.009. 1. A person is guilty of animal neglect [when] **if** he has custody or ownership or both of an animal and fails to provide adequate care [or adequate control, which results in substantial harm to the animal].

2. A person is guilty of abandonment [when] **if** he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived. This section shall not apply to the provisions of section 578.007 **or sections 272.010 to 272.370.**

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:

(1) The care and maintenance of neglected or abandoned animals within the person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

(3) The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and

(4) The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

578.011. 1. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve hours.

2. Animal trespass is an infraction upon first conviction and for each offense punishable by a fine not to exceed two hundred dollars, and a class C misdemeanor punishable by imprisonment or a fine not to exceed five hundred dollars, or both, upon the second and all subsequent convictions. All fines for a first conviction of trespass may be waived by the court provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370.

578.012. 1. A person is guilty of animal abuse [when] **if** a person:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care [or adequate control] **which results in substantial harm to the animal.**

2. Animal abuse is a class A misdemeanor, unless the defendant has previously [plead] **pled** guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class D felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 12, Page 3, Section 56.807, Line 74, by inserting after all of said line the following:

“313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 12, Page 14, Section 600.090, Line 70, by inserting after all of said section and line the following:

“650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of fifty dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term “actually innocent” shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person’s innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person’s guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual’s legal guardian. No claim or petition for restitution under this section may be filed by the individual’s heirs or assigns. An individual’s right to receive restitution under this section is not assignable or otherwise transferrable. The state’s obligation to pay restitution under this

section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

5. Any individual incarcerated as a result of a probation or parole revocation based upon a crime for which the individual is determined to be actually innocent may receive an amount of fifty dollars per day for each day of post-revocation incarceration. For the purpose of this subsection, the basis of revocation shall be determined by the face of the order of revocation issued by the board of probation and parole or court.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Brown moved that the vote refusing to concur in **HCS** for **SB 75**, as amended, requesting the House to recede from its position or failing to do so grant conference be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Holsman	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Chappelle-Nadal	Justus	Keaveny—3
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Absent—Senators—None

Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

At the request of Senator Brown, his motion that the Senate refuse to concur in **HCS** for **SB 75**, as

amended, request the House to recede from its position or failing to do so, grant the Senate a conference thereon, was withdrawn.

Senator Brown moved that **SB 75**, with **HCS**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Holsman	Kraus	Lager
Lamping	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Justus	Keaveny	Nasheed	Sifton—5
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Absent—Senators

Kehoe	Walsh—2
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Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

On motion of Senator Brown, **HCS** for **SB 75**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Holsman	Kehoe	Kraus
Lager	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Justus	Keaveny	Nasheed	Sifton—5
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Absent—Senators

Lamping	Walsh—2
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Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Holsman	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Chappelle-Nadal Justus Keaveny Nasheed Sifton—5

Absent—Senator Walsh—1

Absent with leave—Senators

Dempsey McKenna Rupp—3

Vacancies—None

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Lager assumed the Chair.

Senator Munzlinger moved that the Senate refuse to recede from its position on **SCS** for **HB 103**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

Senator Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 103**, as amended: Senators Munzlinger, Kehoe, Libla, LeVota and Justus.

PRIVILEGED MOTIONS

Senator Wasson moved that **SS** for **SB 282**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 282**, as amended, was taken up.

On motion of Senator Wasson, **HCS** for **SS** for **SB 282**, as amended, failed of adoption by the following vote:

YEAS—Senators

Brown	Cunningham	Dixon	Kehoe	Munzlinger	Parson	Pearce	Richard
Romine	Schaaf	Schaefer	Silvey	Wallingford	Wasson—14		

NAYS—Senators

Chappelle-Nadal	Curls	Emery	Holsman	Justus	Keaveny	Kraus	Lager
Lamping	LeVota	Libla	Nasheed	Nieves	Sater	Schmitt	Sifton
Walsh—17							

Absent—Senators—None

Absent with leave—Senators

Dempsey McKenna Rupp—3

Vacancies—None

Senator Wasson moved that the Senate refuse to adopt the **HCS** for **SS** for **SB 282**, as amended, and request the House to recede from its position and failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 73**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 73

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 73, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 1, House Amendment No. 1 to House Amendment No. 4, and House Amendment No. 4 as amended to House Committee Substitute for Senate Bill No. 73, as amended;
2. That the Senate recede from its position on House Amendment Nos. 2 to House Committee Substitute for Senate Bill No. 73;
3. That the attached Conference Committee Amendment No. 1 to House Committee Substitute for Senate Bill 73, be adopted.
4. That House Committee Substitute for Senate Bill No. 73, with House Amendment No. 2 and Conference Committee Amendment No. 1, be Third Read and Finally Passed.

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 73, Page 2, Section 304.152, Line 10, by inserting after all of said line the following:

“307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. **A motorcycle may be equipped with a means of varying the brightness of the vehicle’s brake light for a duration of not more than five seconds upon application of the vehicle’s brakes.**

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a

capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction.”; and

Further amend the title and enacting clause accordingly.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Dan Brown

/s/ Bob Dixon

Ryan McKenna

/s/ Jason Holsman

FOR THE HOUSE:

/s/ Robert Cornejo

/s/ Elijah Haahr

/s/ Vicki Englund

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Libla	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Chappelle-Nadal	LeVota	Nasheed—3
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Absent—Senators—None

Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

On motion of Senator Schaefer, **HCS** for **SB 73**, as amended by **HA 2** and **CCA No. 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Libla	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Chappelle-Nadal LeVota Nasheed—3

Absent—Senators—None

Absent with leave—Senators

Dempsey McKenna Rupp—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer moved that the Senate refuse to concur in **HCS** for **SB 12**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Keaveny moved that the Senate refuse to concur in **HCS** for **SB 100**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Parson moved that the Senate refuse to concur in **HCS** for **SB 24**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 653**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HB 336, introduced by Representative Hinson, et al, entitled:

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Silvey.

Senator Silvey offered **SS** for **HB 336**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 336

An Act to repeal sections 84.480, 84.510, 84.830, 86.200, 86.257, 86.263, 99.845, 190.100, 321.015, and 321.322, RSMo, and to enact in lieu thereof twelve new sections relating to emergency services.

Senator Silvey moved that **SS** for **HB 336** be adopted.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 336, Page 45, Section 321.015, Line 15 of said page, by inserting after all of said line the following:

“321.210. On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at the headquarters of the fire protection district in which a majority of the district is located by paying a [ten-dollar] filing fee **up to the amount of a candidate for state representative as set forth under section 115.357** and filing a statement under oath that he possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 336, Page 49, Section 321.322, Line 7 of said page, by inserting after all of said line the following:

“Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings filed by health carriers that provide coverage for emergency and nonemergency services, consumer complaints, and investigations in compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state.

Section B. Because of the need to ensure that the Department of Insurance, Financial Institutions and Professional Registration has the regulatory authority to oversee the marketing of health insurance products in this state, the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Silvey moved that **SS** for **HB 336**, as amended, be adopted, which motion prevailed.

On motion of Senator Silvey, **SS** for **HB 336**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger

Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—30		

NAYS—Senators

Walsh—1

Absent—Senators—None

Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 148, introduced by Representative Davis, et al, with **SCS**, entitled:

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

Was called from the Informal Calendar and taken up by Senator Brown.

SCS for **HB 148**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 148

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

Was taken up.

Senator Brown moved that **SCS** for **HB 148** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **HB 148** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey	McKenna	Rupp—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 251**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 112**, entitled:

An Act to repeal sections 99.1205, 135.680, and 620.1039, RSMo, and to enact in lieu thereof seven new sections relating to taxation, with an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 112, Page 1, Section A, Line 3, by inserting after all of said line the following:

“32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;

- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;
- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant

to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons. **Beginning August 28, 2013, no new tax credits shall be granted for programs under section 32.110. The provisions of this subdivision shall not be construed to limit or impair the ability of any administering agency to issue tax credits authorized prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits**

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year. **Beginning August 28, 2013, no new tax credits shall be granted for programs under section 32.111. The provisions of this subdivision shall not be construed to limit or impair the ability of any administering agency to issue tax credits authorized prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits;**

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to

be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.”; and

Further amend said substitute, Pages 3 through 11, Section 99.1205, Lines 1 through 266, by deleting all of said section from the bill and inserting in lieu thereof the following:

“99.1205. 1. This section shall be known and may be cited as the “Distressed Areas Land Assemblage Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Acquisition costs”, the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures **or any portion thereof, together with site and redevelopment area planning and engineering costs regarding one or more eligible parcels**, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of [five] **twelve** years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for title insurance and survey, attorney's fees, relocation costs, fines, or bills from a municipality;

(2) “Applicant”, any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of this subsection; and

(b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal authority, as a redeveloper or similar designation, under an economic incentive law, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area, which encompasses all of an eligible project area, has been approved or adopted under an economic incentive law. In addition to being designated the redeveloper, the applicant shall have been

designated to receive economic incentives only after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section. The redevelopment agreement shall provide that:

a. the funds generated through the use or sale of the tax credits issued under this section shall be used to redevelop the eligible project area;

b. No more than seventy-five percent of the urban renewal area identified in the urban renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped by the applicant; and

c. The remainder of the urban renewal area or the redevelopment area shall be redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

(3) “Certificate”, a tax credit certificate issued under this section;

(4) “Condemnation proceedings”, any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250;

(5) “Department”, the Missouri department of economic development;

(6) “Economic incentive laws”, any provision of Missouri law pursuant to which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive laws include, but are not limited to, the land clearance for redevelopment authority law under sections 99.300 to 99.660, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation program under sections 99.1080 to 99.1092;

(7) “Eligible parcel”, a parcel:

(a) Which is located within an eligible project area;

(b) Which is to be redeveloped;

(c) On which the applicant has not commenced construction prior to November 28, 2007;

(d) Which has been acquired **either directly by the applicant, or on behalf of the applicant through one or more affiliated companies controlled by the applicant or under common ownership with the applicant;**

(e) **Which has been acquired** without the commencement of any condemnation proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel acquired **before August 28, 2007**, by the applicant from a municipal authority shall not constitute an eligible parcel; and

[(e)] (f) On which all outstanding taxes, fines, and bills levied by municipal governments that were levied by the municipality during the time period that the applicant held title to the eligible parcel have been paid in full;

(8) “Eligible project area”, an area which shall have satisfied the following requirements:

(a) The eligible project area shall consist of at least seventy-five acres and may include parcels within its boundaries that do not constitute an eligible parcel;

(b) At least eighty percent of the eligible project area shall be located within a Missouri qualified census tract area, as designated by the United States Department of Housing and Urban Development under 26 U.S.C. Section 42, or within a distressed community as that term is defined in section 135.530.

(c) Any area including and within one quarter mile of property formerly utilized by the state of Missouri as a penitentiary located in any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants.

[(c)] **(d) The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels, but shall not include any parcel acquired by the applicant from a municipal authority;**

[(d)] **(e) The average number of parcels per acre in an eligible project area shall be four or more;**

[(e)] **(f) Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;**

(9) “Interest costs”, interest, loan fees, and closing costs, **any of which relate to or arise out of loans relating to acquisition costs, including without limitation, interest, loan fees and closing costs associated with the refinancing of loans relating to acquisition costs.** Interest costs shall not include attorney’s fees;

(10) “Maintenance costs”, costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) “Municipal authority”, any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) “Municipality”, any city, town, village, or county;

(13) “Parcel”, a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) “Redeveloped”, the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(15) “Redevelopment agreement”, the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section; and such appointment or selection shall have been approved by an ordinance of the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, in

which the eligible project area is located. The redevelopment agreement shall include a time line for redevelopment of the eligible project area, **including deadlines for commencement of work and for project completion, and shall provide the municipal authority the right to terminate the rights of the redeveloper under the redevelopment agreement if such deadlines are not met.** The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290.

3. **Subject to the limitations provided in subsection 7 of this section,** any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, in an amount equal to fifty percent of the acquisition costs, and one hundred percent of the interest costs incurred for a period of [five] **twelve** years after the acquisition of an eligible parcel. [No tax credits shall be issued under this section until after January 1, 2008.]

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148 for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On [an annual] **a quarterly** basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed twenty million dollars. If the tax credits that are to be issued under this section exceed, in any year, the twenty million dollar limitation, the department shall either:

- (1) Issue tax credits to the applicant in the amount of twenty million dollars, if there is only one

applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year **as provided in this subdivision. The department shall determine on an ongoing basis during the course of each calendar year the amount of tax credits that have been issued to each applicant for each eligible project area during such year, and the amount of tax credits remaining available for issuance with respect to such calendar year, if any.** Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the twenty million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years. No tax credits provided under this section shall be authorized after August 28, [2013] **2019**. Any tax credits which have been authorized on or before August 28, [2013] **2019**, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include [the] **issued** tax credits in any **subsequent** sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

9. **Following its initial application for tax credits under this section for eligible costs incurred in 2013 or any following year, and during the period it continues to seek tax credits under this section, an applicant shall submit to the department on a quarterly basis at the end of each calendar quarter a report affirming such applicant's continued qualification as an applicant under this section, describing the applicant's progress toward meeting the deadlines for commencement of work and for project completion established under its redevelopment agreement with the applicable municipal authority, and including copies of any written notices from such municipal authority asserting or threatening a termination of such development agreement due to a breach or default in the performance of such applicant's obligations under such redevelopment agreement. The department shall review annually the eligibility of each applicant to receive tax credits under this section. The department shall not issue to an applicant any tax credits provided under this section after the date upon which the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, makes a finding that the applicant has failed to comply with deadlines regarding project commencement or completion or other material provisions of its redevelopment agreement with an applicant, and in furtherance of such finding the governing body validly adopts an ordinance terminating its redevelopment agreement with the applicant, with the result that such applicant no longer satisfies the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. The governing body shall notify the department of the governing body's findings and shall deliver to the department a certified copy of the ordinance terminating such**

redevelopment agreement as soon as practicable.

10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 36.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

“135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects in areas described in subdivision (6) of section 135.478 and eight million dollars for projects in areas described in subdivision (10) of section 135.478. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer’s three prior tax years and carried forward to any of the taxpayer’s five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer’s eligible costs or forty thousand dollars.

4. No tax credits provided under sections 135.475 to 135.487 shall be authorized on or after the effective date of this act. The provisions of this subsection shall not be construed to limit or in any way impair the department’s ability to issue tax credits authorized prior to the effective date of this act, or a taxpayer’s ability to redeem such tax credits.”; and

Further amend said substitute, Pages 20 through 27, Section 144.810, Lines 1 through 242, by deleting all of said section from the bill and inserting in lieu thereof the following:

“135.1550. 1. Sections 135.1550 to 135.1575 shall be known and may be cited as the “Missouri Export Incentive Act”.

2. As used in sections 135.1550 to 135.1575, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Air export tax credit”, the tax credit against the taxes imposed under chapters 143, 147, and 148, except for those in sections 143.191 to 143.265, to be issued by the department to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

(2) “Airport”, any international airport located within the state;

(3) “Chargeable kilo”, the shipment of a kilo of freight, as measured by the greater of:

(a) Actual weight; or

(b) A dimensional weight, as determined by the conversion factors promulgated by the International Air Transport Association, on a qualifying outbound flight;

(4) “Claiming freight forwarder”, the freight forwarder designated as the “agent” on the airway bill for the qualifying outbound flight for which such air export tax credit is sought;

(5) “Department”, the Missouri department of economic development;

(6) “Direct international aircraft flight”, a single aircraft transoceanic flight that operates to an international destination in accordance with the operator’s bilateral route authority;

(7) “Freight forwarder”, a person who assumes responsibility in the ordinary course of business for the transportation of cargo from the place of receipt to the place of destination, including the utilization of a qualifying outbound flight;

(8) “Qualifying outbound flight”, a direct international aircraft flight that carries either all cargo or a mix of passengers and cargo from the airport to an international destination.

135.1555. 1. For all fiscal years beginning on or after July 1, 2013, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to forty cents per chargeable kilo.

2. The department shall index, and the secretary of state shall publish in the Missouri Register, the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1560. 1. To receive benefits provided under section 135.1555, a claiming freight forwarder shall file an application with the department within one hundred twenty calendar days of the date of shipment. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within twenty business days of the filing of the application.

2. If the fiscal year cap on the issuance of air export tax credits provided under section 135.1565 is met in a given fiscal year, then the amount of such tax credits that have been authorized, but remain unissued, shall be carried forward and issued in the subsequent fiscal year.

3. No tax credits provided under this section shall be authorized after June 30, 2021. Any tax credits authorized on or before June 30, 2021, but not issued, may be issued until all such authorized tax credits have been issued.

135.1565. The total aggregate amount for air export tax credits authorized under section 135.1555 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1555 shall not exceed seven million five hundred thousand dollars for each fiscal year beginning on or after July 1, 2013, unless authorized by the department. Any amount issued exceeding seven million five hundred thousand dollars in a fiscal year shall be reduced first from the authorized amount for the fiscal year ending June 30, 2021, and then the preceding fiscal years, until all such

authorized credits have been issued.

135.1570. If the amount of any tax credit authorized under sections 135.1550 to 135.1575 exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, except those in sections 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever occurs first. Tax credits authorized under the provisions of sections 135.1550 to 135.1575 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

135.1575. 1. The department may promulgate rules to implement the provisions of sections 135.1550 to 135.1575. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

(1) The provisions of the new programs authorized under sections 135.1550 to 135.1575 shall automatically sunset eight years after the effective date of this act, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under sections 135.1550 to 135.1575 sunset.

144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) “Commencement of commercial operations”, shall be deemed to occur during the first calendar year for which the data storage center is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center;

(2) “Constructing taxpayer”, if more than one taxpayer is responsible for a project, a taxpayer responsible for the construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) “County average wage”, the average wage in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(4) “Data storage center” or “facility”, a facility constructed, extended, improved, or operating under this section, provided that such business facility is engaged primarily in:

(a) Data processing, hosting, and related services (NAICS 518210);

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility; or

(c) Customer service, customer contact, or customer support operations through the use of computer databases and telecommunications services at the business facility;

(5) “Existing facility”, a data storage center in this state as it existed prior to August 28, 2013, as determined by the department;

(6) “Expanding facility” or “expanding data storage center”, an existing facility or replacement facility that expands its operations in this state on or after August 28, 2013, and has a net new investment related to the expansion of operations in this state of at least two million dollars during a period of up to twelve consecutive months and results in the creation of at least two new jobs during a period of up to twenty-four consecutive months from the date of conditional approval for an exemption under this section, if the average wage of the new jobs equals or exceeds one hundred and fifty percent of the county average wage. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(7) “Expanding facility project” or “expanding data storage center project”, the construction, extension, improvement, equipping, and operation of an expanding facility;

(8) “Investment” shall include the value of real and depreciable personal property, acquired as part of the new or expanding facility project which is used in the operation of the facility following conditional approval of an exemption under this section;

(9) “NAICS”, the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(10) “New facility” or “new data storage center”, a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2013. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2013, if the transfer of title to an operating taxpayer, the transfer of possession under a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2013, or, if the facility is constructed, erected, or installed by or on behalf of an operating taxpayer, such construction, erection, or installation is commenced on or after August 28, 2013;

(b) If such facility was acquired by an operating or constructing taxpayer from another person or persons on or after August 28, 2013, and such facility was employed prior to August 28, 2013, by any other person or persons in the operation of a data storage center the facility shall not be considered a new facility;

(c) Such facility is not an expanding or replacement facility, as defined in this section;

(d) The new facility project investment is at least five million dollars during a period of up to

thirty-six consecutive months from the date of the conditional approval for an exemption under this section. If more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer, or a combination of constructing taxpayers and operating taxpayers;

(e) At least five new jobs are created at the new facility during a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county average wage; and

(f) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(11) “New data storage center project” or “new facility project”, the construction, extension, improvement, equipping, and operation of a new facility;

(12) “New job” in the case of a new data center project, the total number of full-time employees located at a new data storage center for a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section. In the case of an expanding data storage center project, the total number of full-time employees located at the expanding data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or for the twelve-month period prior to the date of the submission of a project plan, the average number of full-time employees located at the expanding data storage center facility. In the event the expanding data storage center facility has not been in operation for a full twelve-month period at the time of the submission of a project plan, the average number of full-time employees for the number of months the expanding data storage center facility has been in operation prior to the date of the submission of the project plan;

(13) “Notice of intent”, a form developed by the department of economic development, completed by the project taxpayer, and submitted to the department, which states the project taxpayer’s intent to construct or expand a data center and requests the exemptions under this program;

(14) “Operating taxpayer”, if more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(15) “Project taxpayers”, each constructing taxpayer and each operating taxpayer for a data storage center project;

(16) “Replacement facility”, a facility in this state otherwise described in subdivision (7) of this subsection, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(17) “Taxpayer”, the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. In addition to the exemptions granted under chapter 144, project taxpayers for a new data storage center project shall be entitled, for a project period not to exceed fifteen years from the date of conditional approval under this section and subject to the requirements of subsection 3 of this

section, to an exemption of one hundred percent of the state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit of the state calculated over a ten year period, on:

- (1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in a new data storage center;
- (2) All machinery, equipment, and computers used in any new data storage center; and
- (3) All sales at retail of tangible personal property and materials for the purpose of constructing any new data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc. dataset or comparable data.

3. (1) Any data storage center project seeking a tax exemption under subsection 2 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and known operating taxpayer for the project and include any additional information the department of economic development may require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 2 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for a new facility project. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey conditional approvals to the department of revenue and the identified project taxpayers. After a conditionally approved new facility has met the requirements in subsection 1 of this section for a new facility and the execution of the agreement specified in subsection 6 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the new facility to the department of revenue as being eligible for the exemption dating retroactively to the first day of construction on the new facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of construction, shall issue a refund of taxes paid but eligible for exemption under subsection 2 of this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subsection 2 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) Any project that does not meet the minimum investment or new job requirements of subsection 1 of this section may still be eligible for the exemption under subsection 2 of this section, as long as the exemptions for such project plan do not exceed the projected net fiscal benefit to the state over a period of ten years.

(4) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

4. In addition to the exemptions granted under chapter 144, upon approval by the department of economic development, project taxpayers for expanding data center projects may, for a period not to exceed ten years, be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235 on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in an expanding data storage center which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication and internet services used in the existing facility or the replaced facility prior to the expansion. For purposes of this subdivision only, “amount” shall be measured in kilowatt hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in dollars, to account for increases in utility rates;

(2) All machinery, equipment, and computers used in any expanding data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development.

5. (1) Any data storage center project seeking a tax exemption under subsection 4 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and each known operating taxpayer for the project and include any additional information the department of economic development may reasonably require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 4 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for an expanding facility project and the execution of the agreement specified in subsection 6 of this section. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditional approved facility has met the requirements in subsection 1 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the expansion of the facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the expansion of the facility, shall issue a refund of taxes paid but eligible for exemption under subsection 4 of this section to any applicable project taxpayer and issue a certificate of exemption to any applicable project taxpayer for ongoing exemptions under subsection 4 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) Any project that does not meet the minimum investment or new job requirements of subsection

1 of this section may still be eligible for the exemption under subsection 4 of this section, as long as the exemptions for such project plan do not exceed the projected net fiscal benefit to the state over a period of ten years.

(4) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

(2) As a condition of receiving an exemption under subsection 2 or 4 of this section, the project taxpayers shall enter into an agreement with the department of economic development providing for repayment penalties in the event the data storage center project fails to comply with any of the requirements of this section.

(3) The department of revenue shall credit any amounts remitted by the project taxpayers under this subsection to the fund to which the sales and use taxes exempted would have otherwise been credited.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to ensure that the intent of this section is followed.

8. Notwithstanding any other provision of law to the contrary, no recipient of an exemption pursuant to this section shall be eligible for benefits under any business recruitment tax credit, as defined in section 135.800.

9. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

10. This section shall terminate on September 1, 2019. The termination of this section shall not be construed to limit or in any way impair the exemption for any project approved prior to the termination of this section.”; and

Further amend said substitute, Page 36, Section 348.274, Line 134, by inserting after all of said line the following:

“447.708. 1. For eligible projects, the director of the department of economic development, with notice

to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245 for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471 who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for

which the tax credits are earned. For the purposes of this section, related taxpayer has the same meaning as defined in subdivision (9) of section 135.100;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100 which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, [in addition to the tax credits allowed in subsection 1 of this section,] grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials,

supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions

taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to 6 of section 135.250. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

(1) That portion of the taxpayer's income attributed to the eligible project; or

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use,

or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471;
- (2) The partners of the partnership.

The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

12. For each fiscal year beginning on or after July 1, 2014, no more than twenty-five million dollars in tax credits shall be authorized under the provisions of section 447.700 to 447.718. Of the twenty-five million dollars authorized under this subsection, no more than five million dollars shall be available to projects qualified to receive benefits under section 99.1205.”; and

Further amend said substitute, Page 38, Section 620.1039, Line 70, by inserting after all of said line the following:

“[143.119. 1. A self-employed taxpayer, as such term is used in the federal internal revenue code, who is otherwise ineligible for the federal income tax health insurance deduction under Section 162 of the federal internal revenue code shall be entitled to a credit against the tax otherwise due under this chapter, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the portion of such taxpayer's federal tax liability incurred due to such taxpayer's inclusion of such payments in federal adjusted gross income. The tax credits authorized under this section shall be nontransferable. To the extent tax credit issued under this section exceeds a taxpayer's state income tax liability, such excess shall be considered an overpayment of tax and shall be refunded to the taxpayer.

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 112, Page 11, Section 99.1205, Line 266, by inserting after all of said line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2019. In no event shall the aggregate amount of all tax credits allowed pursuant to sections 135.300 to 135.311 exceed three million five hundred thousand dollars in any given fiscal year.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 112, Page 20, Section 135.680, Line 355, by inserting after all of said line the following:

“135.1670. 1. If any job that qualifies for a tax credit under sections 100.7000 to 100.850, 135.100 to 135.258, 135.950 to 135.973, 620.1023, or 620.1875 to 620.1910 relocates to a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, or a county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants from any county outside the state of Missouri which is adjacent to such counties, no tax credits shall be issued for such job under such sections if the state of Kansas prohibits any tax credit for jobs or economic incentive for job creation or does not award any job relocation incentive for any job that relocates from such counties into any county outside the state of Missouri which is adjacent to such counties.

2. Subsection 1 of this section shall become effective only upon the state of Kansas enacting legislation or the governor of Kansas issuing an executive order or similar action which is substantially similar to the provisions contained in subsection 1 of this section.

3. Subsection 1 of this section shall become null and void and thereby considered repealed effective

only upon the state of Kansas repealing enacted legislation or the governor of Kansas rescinding an executive order or similar action which is substantially similar to the provisions contained in subsection 1 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 112, Page 27, Section 144.810, Line 242, by inserting after all of said line the following:

“253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) “Certified historic structure”, a property located in Missouri and listed individually on the National Register of Historic Places;

(2) “Deed in lieu of foreclosure or voluntary conveyance”, a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) “Eligible property”, property located in Missouri and offered or used for residential or business purposes;

(4) “Leasehold interest”, a lease in an eligible property for a term of not less than thirty years;

(5) “Principal”, a managing partner, general partner, or president of a taxpayer;

(6) “Structure in a certified historic district”, a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

(7) “Taxpayer”, any person, firm, partnership, trust, estate, limited liability company, or corporation;

(8) “Total costs and expenses of rehabilitation”, all costs and expenses related to the rehabilitation of eligible property that is a certified historic structure or a structure in a certified historic district including, but not limited to, qualified rehabilitation expenditures as defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and any related regulations promulgated under such section. Such costs and expenses shall include, but not be limited to, rehabilitation work in progress, accrued developer fees, and costs and expenses related to rehabilitation incurred at the taxpayers own risk up to one year before the date of submission of a preliminary application under section 253.559. Provided however, that accrued developer fees shall only be considered “total costs and expenses of rehabilitation” if an agreement or other contractual document provides for the payment of such fees within no more than six years of completion of the rehabilitation.

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, [may] **shall**, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the

total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. **The department of economic development shall determine the total costs and expenses of rehabilitation pursuant to subsection 7 of section 253.559, but in no case shall such total costs and expenses of rehabilitation be defined more narrowly than qualified rehabilitation expenditures as defined in Section 47 (c) (2) (A) of the Internal Revenue Code of 1986, as amended, and any related regulations promulgated under such section, as required by section 253.545.**

2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending on or before June 30, 2014**, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

3. For all applications for tax credits approved on or after January 1, 2010, **but before July 1, 2014**, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

5. For each fiscal year beginning on or after July 1, 2014, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of

subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

6. For all applications for tax credits approved on or after July 1, 2014, no more than one hundred twenty-five thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

7. In lieu of the limitations on tax credit authorization provided under the provisions of subsections 5 and 6 of this section, the limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to July 1, 2014; or

(2) Any application for tax credits provided under this section for a project, which on or before July 1, 2014:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed the lesser of fifteen percent of the total project costs or three million dollars; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

8. For each fiscal year beginning on or after July 1, 2014, the department of economic development shall not approve applications for projects to receive less than two hundred seventy-five thousand dollars in tax credits which, in the aggregate, exceed ten million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations on tax credit authorization provided under the provisions of this subsection shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to the July 1, 2014; or

(2) Any application for tax credits provided under this section for a project, which on or before July 1, 2014:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed five percent of the total project costs; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back

to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. Not-for-profit entities, including but not limited to corporations organized as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the tax credits authorized under sections 253.545 [through 253.561] **to 253.559. Any taxpayer that receives state tax credits under the provisions of sections 135.350 to 135.363 for a project that is not financed through tax exempt bonds issuance shall be ineligible for the state tax credits authorized under sections 253.545 to 253.559 for the same project.** Taxpayers eligible for such tax credits may transfer, sell or assign the credits. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection 8 of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district, **or evidence that the taxpayer has submitted the necessary documentation to qualify the property as an eligible property and a certified historic structure or as a structure in a certified historic district. A final determination of such qualifications shall not be a prerequisite for**

approval of the application or the incurrence of eligible costs; and

(5) Any other information which the department of economic development may reasonably require to review the project for approval. Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. **Notwithstanding any provision of law to the contrary, a determination of the department of economic development, in consultation with the department of natural resources, whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the department of natural resources under subsection 7 of this section, shall not be required for the department of economic development to approve an application under this subsection.**

4. Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy. **Upon any such change in ownership, the taxpayer contained in such application, or any successor owner of the project, shall notify the department of such change.**

5. In the event that the department of economic development grants approval for tax credits equal to the **applicable** total amount available under subsection 2 **or 5** of section 253.550, or sufficient that when totaled with all other approvals, the **applicable** amount available under subsection 2 **or 5** of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

6. All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within two years of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the **applicable** total amount of tax credits, provided under subsection 2 or 5 of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development [which,] **. Such application for final approval and issuance of tax credits shall include a cost and expense certification, prepared by a licensed certified public accountant that is not an affiliate of the applicant, certifying the total costs and expenses of rehabilitation and the total amount of tax credits for which such taxpayer is eligible under sections 253.550 to 253.559. Cost and expense certifications required under this section shall separately state any accrued developer fees. No later than forty-five calendar days following receipt of a taxpayer's application for final approval and issuance of tax credits, the department of economic development shall determine, in consultation with the department of natural resources, [shall determine the final amount of eligible rehabilitation costs and expenses and] whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation [as determined by the state historic preservation officer of the Missouri department of natural resources]. If the completed rehabilitation meets such standards, the department of economic development shall, within forty-five calendar days following the receipt of the taxpayer's application for final approval and tax credit issuance, inform such taxpayer of its initial determination by letter and issue such taxpayer an initial tax credit issuance. A taxpayer receiving an initial tax credit issuance shall receive tax credit certificates in an amount equal to the lesser of seventy-five percent of the total amount of tax credits for which the taxpayer is eligible under sections 253.550 to 253.559, as certified in the cost and expense certification, or the amount of tax credits approved for such project under subsection 3 of this section. Within one hundred and twenty calendar days following receipt of a taxpayer's application for final approval and tax credit issuance, the department shall determine the final amount of eligible rehabilitation costs and expenses. For a taxpayer receiving an initial tax credit issuance, no later than one hundred and twenty calendar days following receipt of such taxpayer's application for final aproval and tax credit issuance, the department shall notify such taxpayer of its final determination by letter and issue such taxpayer tax credit certificates in an amount equal to the lesser of the remaining amount of tax credits for which such taxpayer is eligible to receive under sections 253.550 to 253.559, as determined by the department, or the remaining amount of tax credits for which such taxpayer was approved under subsection 3 of this section, but not issued under the initial tax credit issuance. If the department of economic development determines that the amount of tax credits issued to a taxpayer in the initial tax credit issuance is in excess of the total amount of tax credits such taxpayer is eligible to receive under sections 253.550 to 253.559, the department shall notify such taxpayer and such taxpayer shall repay the state an amount equal to**

such excess. For financial institutions credits authorized pursuant to sections 253.550 to [253.561] **253.559** shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. [The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates.] The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed. **Taxpayers which receive tax credit certificates under sections 253.550 to 253.559, attributable to accrued developer fees shall, within six years of completion of rehabilitation, submit an additional cost and expense certification verifying the total amount of developer fees actually accrued and paid. To the extent the amount of developer fees contained in a taxpayer's cost and expense certification included with such taxpayers application for final approval and tax credit issuance exceeds the amount of developer fees actually accrued and paid, as evidenced by the additional cost and expense certification, such taxpayer shall repay to the state an amount equal to twenty-five percent of such excess.**

8. Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection 3 of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department **and shall be substantially in the form of the department of economic development form titled "Historic Preservation Tax Credit Program - Request for Additional Credits" in effect by the effective date of this act.** Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

9. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

10. (1) Taxpayers or duly authorized representatives may appeal any official decision, including all preliminary or final approvals and denials of approvals, made by the department or the department of natural resources with regard to an application submitted under sections 253.550 to 253.559 to an independent third-party appeals officer designated by the department within fourteen days of receipt of the appeal by the department. Such appeals under this section shall constitute an administrative review of the decision appealed from and shall not be conducted as an adjudicative proceeding.

(2) Appeals shall be submitted to the designated appeals officer in writing within thirty days of receipt by the taxpayer or the taxpayer's duly authorized representative of the decision that is the subject of the appeal, and shall include all information the appellant wishes the appeals officer to consider in deciding the appeal.

(3) Within fourteen days of receipt of an appeal, the appeals officer shall notify the department or the department of natural resources that an appeal is pending, identify the decision being appealed, and forward a copy of the information submitted by the appellant. The department or the department of natural resources may submit a written response to the appeal within thirty days.

(4) The appellant shall be entitled to one meeting with the appeals officer to discuss the appeal, but the appeals officer may schedule additional meetings at the officer's discretion. The department

or the department of natural resources may appear at all meetings.

(5) The appeals officer shall consider the record of the decision in question, any further written submissions by the appellant and the department or the department of natural resources, and other available information, and shall deliver a written decision to all parties as promptly as circumstances permit, but not later than ninety days after the initial receipt of an appeal by the appeals officer.

11. By no later than January 1, 2014, the department shall propose rules to implement the provisions of sections 253.550 to 253.559. Prior to proposing such rules, the department shall conduct a stakeholder process designed to solicit input from interested parties. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated herein shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 112, Page 11, Section 99.1205, Line 266, by inserting after all of said line the following:

“135.350. As used in this section, unless the context clearly requires otherwise, the following words and phrases shall mean:

(1) “Commission”, the Missouri housing development commission, or its successor agency;

(2) “Director”, director of the department of revenue;

(3) “Eligibility statement”, a statement authorized and issued by the commission certifying that a given project qualifies for the Missouri low-income housing tax credit. The commission shall promulgate rules establishing criteria upon which the eligibility statements will be issued. The eligibility statement shall specify the amount of the Missouri low-income housing tax credit allowed. The commission shall only authorize the tax credits to qualified projects which begin after June 18, 1991;

(4) “Federal credit period”, the same meaning as is prescribed the term “credit period” under section 42 of the 1986 Internal Revenue Code, as amended;

(5) “Federal low-income housing tax credit”, the federal tax credit as provided in section 42 of the 1986 Internal Revenue Code, as amended;

[(5)] (6) “Low-income project”, a housing project which has restricted rents that do not exceed thirty percent of median income for at least forty percent of its units occupied by persons or families having incomes of sixty percent or less of the median income, or at least twenty percent of the units occupied by persons or families having incomes of fifty percent or less of the median income;

[(6)] (7) “Median income”, those incomes which are determined by the federal Department of Housing and Urban Development guidelines and adjusted for family size;

[(7)] (8) “Qualified Missouri project”, a qualified low-income building as that term is defined in section 42 of the 1986 Internal Revenue Code, as amended, which is located in Missouri;

[(8)] (9) “Taxpayer”, person, firm or corporation subject to the state income tax imposed by the provisions of chapter 143 (except withholding imposed by sections 143.191 to 143.265) or a corporation

subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state.

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal [tax] **credit** period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

3. No more than six million dollars in tax credits shall be authorized each fiscal year **ending on or before June 30, 2014**, for projects financed through tax-exempt bond issuance.

4. **For purposes of the limitations provided under this subsection, the aggregate amount of tax credits allowed over a federal credit period shall be attributed to the fiscal year in which such credits are authorized by the commission for a qualified Missouri project. For each fiscal year beginning on or after July 1, 2014, there shall be a four million dollar cap on tax credit authorizations for projects which are financed through tax exempt bond issuance. For projects which are not financed through tax exempt bond issuance, the maximum amount of tax credits authorized shall be as follows:**

- (1) For fiscal year 2014, one hundred thirty million dollars;**
- (2) For fiscal year 2015, one hundred twenty-five million dollars;**
- (3) For fiscal year 2016, one hundred twenty million dollars;**
- (4) For fiscal year 2017, one hundred fifteen million dollars; and**
- (5) For the fiscal years beginning in 2018 and after, one hundred ten million dollars.**

5. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years or carried forward to any of the taxpayer's five subsequent taxable years. **For projects authorized on or after July 1, 2014, any amount of credit that exceeds the tax due for a taxpayer's taxable year shall not be eligible to be carried back, but may be carried forward to any of the taxpayer's two subsequent taxable years.**

[5.] 6. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

[6.] 7. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall

include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

8. A taxpayer that receives state tax credits under the provisions of sections 253.545 to 253.559 shall be ineligible to receive state tax credits under the provisions of sections 135.350 to 135.363 for the same project, if such project is not financed through tax exempt bond issuance.

[7.] **9.** The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 112, Pages 27 through 36, Sections 348.273 and 348.274, by deleting all of said sections from the bill and inserting in lieu thereof the following:

“348.273. 1. This section and section 348.274 shall be known and may be cited as the “Missouri Angel Investment Incentive Act”.

2. As used in this section and section 348.274, the following terms mean:

(1) “Cash investment”, money or money equivalent contribution;

(2) “Department”, the department of economic development;

(3) “Investor”:

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2013;

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2013; or

(c) A natural person or permitted entity investor making an investment that is permitted under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2013.

A person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made is not an investor and such person shall not qualify for the issuance of tax credits for such investment;

(4) “Owner”, any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(5) “Permitted entity investor”, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, general partnership, limited partnership, small corporation described in section 143.471, revocable living trust, or limited liability company that has elected to be taxed as a partnership under the United States internal revenue code, and that was established and is operated for the purpose of making investments in other entities;

(6) “Qualified knowledge-based company”, a company based on the use of ideas and information to provide innovative technologies, products, and services;

(7) “Qualified Missouri business”, the Missouri businesses that are approved and certified as qualified knowledge-based companies by the regional SBTDC that meet at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Missouri or does substantially all of such business’s production in Missouri;

(8) “Qualified securities”, a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the department. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument’s term;

(9) “SBTDC”, the Missouri small business and technology development center; and

(10) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

3. The Missouri angel investment incentive act shall be administered by the regional SBTDCs and the department, with the primary goal of encouraging individuals to provide seed-capital financing for emerging Missouri businesses engaged in the development, implementation, and commercialization of innovative technologies, products, and services. Each regional SBTDC shall establish a regional committee consisting of no fewer than three but no more than five persons for the purpose of reviewing applications from businesses requesting designation as a qualified Missouri business and allocating the amount of available tax credits among the qualified Missouri businesses. The department shall establish its own rules of procedure, including the form and substance of applications to be used by each regional SBTDC and the criteria to be considered by each regional SBTDC when evaluating a qualified Missouri business, such applications and criteria to be not less than the minimum requirements set forth in subsection 5 of this section. The department shall issue tax credits to qualified investors that make cash investments in qualified Missouri businesses that have been allocated available tax credits by a regional SBTDC.

4. (1) A tax credit shall be allowed for an investor’s cash investment in the qualified securities of a qualified Missouri business. The credit shall be in a total amount equal to fifty percent of such investor’s cash investment in any qualified Missouri business, subject to the limitations set forth in

this subsection. This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to the year beginning January 1, 2014. If the amount by which that portion of the credit allowed by this section exceeds the investor's liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The director of the department of revenue shall not allow tax credits of more than fifty thousand dollars for a single qualified Missouri business or a total of two hundred fifty thousand dollars in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities for any year beginning after December 31, 2019. The total amount of tax credits allocated under this section shall not exceed six million dollars per year.

(4) At the beginning of each calendar year, the department shall equally designate the tax credits available during that year to each regional SBTDC. At the beginning of each calendar quarter, the department shall allocate to each regional SBTDC one-fourth of the total tax credits designated to such regional SBTDC for the calendar year such that the regional SBTDC can allocate tax credits among the qualified Missouri businesses. The department shall then issue tax credits to qualified investors for cash investments in such qualified Missouri businesses during that calendar quarter.

(5) At the end of each calendar quarter, each regional SBTDC shall report to the department any unallocated tax credits for the preceding quarter. Such report shall meet the requirements set forth in section 348.274. The department shall aggregate all such tax credits and reallocate them equally among the regional SBTDCs as soon as possible during the next consecutive calendar quarter. Each regional SBTDC shall receive such reallocation in addition to the new allocation of designated tax credits for such quarter.

(6) During the fourth calendar quarter, a regional SBTDC in need of additional tax credits for transactions closing in the fourth calendar quarter may request that another regional SBTDC with unallocated tax credits permit such unallocated tax credits to be allocated by the requesting SBTDC. No regional SBTDC shall be required to grant such request. When a granting SBTDC transfers the allocation of the unallocated tax credits to a requesting SBTDC under this subdivision, the granting SBTDC shall provide to the requesting SBTDC a written confirmation authorizing such transfer, the granting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274, and the requesting SBTDC shall include a copy of such written confirmation in its reports provided under section 348.274.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved by a regional SBTDC as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall make application to a regional SBTDC in accordance with the provisions of this section.

(2) The application by a business to a regional SBTDC shall be in the form and substance as required by the department, but shall include at least the following:

- (a) The name of the business and certified copies of the organizational documents of the business;**
- (b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;**
- (c) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created;**
- (d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;**
- (e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and**
- (f) Such other information as the regional SBTDC or the department may reasonably request.**

(3) The designation of a business as a qualified Missouri business shall be made by the regional SBTDC, and such designation shall be renewed annually. A business shall be so designated if the regional SBTDC determines, based upon the application submitted by the business and any additional investigation the regional SBTDC shall make, that such business meets the criteria established by the department. Such criteria shall include at least the following:

- (a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;**
- (b) Businesses that are not bioscience businesses shall have been in operation for less than five years, and bioscience businesses shall have been in operation for less than ten years;**
- (c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial, because funding otherwise available for the business is not available on commercially reasonable terms;**
- (d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock, that can be traded via a public stock exchange before the date that a qualifying investment is made;**
- (e) The business shall not be engaged primarily in any one or more of the following enterprises:**
 - a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;**
 - b. The provision of professional services, such as legal, accounting, or engineering services;**
 - c. Governmental, charitable, religious, or trade organizations;**
 - d. The ownership, development brokerage, sales, or leasing of real estate;**
 - e. Insurance;**
 - f. Construction or construction management or contracting;**
 - g. Business consulting or brokerage;**
 - h. Any business engaged primarily as a passive business, having irregular or noncontinuous**

operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;

i. Any activity that is in violation of the law;

j. Any business raising money primarily to purchase real estate, land, or fixtures; and

k. Any gambling related business;

(f) The business has a reasonable chance of success;

(g) The business has the reasonable potential to create measurable employment within the region, this state, or both;

(h) The business has an innovative and proprietary technology, product, or service;

(i) The existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;

(j) The securities to be issued and purchased are qualified securities;

(k) The business has the reasonable potential to address the needs and opportunities specific to the region or this state, or both;

(l) The business has made binding commitments to the regional SBTDC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the regional SBTDC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, and the right of the regional SBTDC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets;

(m) The business shall satisfy all other requirements of this section and section 348.274; and

(n) This section and all referenced sections herein are subject to the provisions of section 196.1127.

(4) Notwithstanding the requirements of subdivision (3) of this subsection, a business may be considered as a qualified Missouri business under the provisions of this section and section 348.274 if such business falls within a standard industrial classification code established by the department.

(5) A qualified Missouri business shall have the burden of proof to demonstrate to the regional SBTDC the qualifications of the business under this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.274 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

348.274. 1. (1) Each regional SBTDC is authorized to allocate tax credits to qualified Missouri businesses. The department is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the regional SBTDC, are most likely to provide the greatest economic benefit to the

region, the state, or both. The regional SBTDC may allocate, and the department may issue, whole or partial tax credits based on the regional SBTDC's assessment of the qualified Missouri businesses. The regional SBTDC may consider numerous factors in such assessment, including but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business for which a regional SBTDC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business shall submit to the regional SBTDC a report before such tax credits are issued. The regional SBTDC shall provide copies of this report to the department. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as the regional SBTDC may reasonably require under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in any qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the regional SBTDC that allocated tax credits to the qualified Missouri business and the department in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

(3) The department shall provide the information specified in subdivision (3) of subsection 4 of this section to the department of revenue on an annual basis. The department shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by each regional SBTDC or the department with respect to this section and section 348.273.

(4) If the department determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one hundred twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department shall send a notice of loss of designation to the business, each regional SBTDC, the director of the department of revenue and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving its operations outside Missouri within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business and shall repay any financial assistance to the regional SBTDC, in an amount to be determined by the regional SBTDC. Each qualified Missouri business that loses its designation as a qualified Missouri business shall enter into a repayment agreement with the regional SBTDC specifying the terms of such repayment obligation.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted to any regional SBTDC or the department that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the regional SBTDC and the department, as applicable. For the purposes of this section and section 348.273, “trade secrets” means any customer lists, formula, compound, production data, or compilation of information that will allow individuals within a commercial concern using such information the means to fabricate, produce, or compound an article of trade or perform any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) Each regional SBTDC and the department may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee’s Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner required by the department.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the applicable regional SBTDC on an annual basis, on or before February first. The regional SBTDC shall provide copies of the reports to the department. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of these cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information as the regional SBTDC or the department may reasonably require under this section and section 348.273.

(2) Each regional SBTDC shall report quarterly to the department on the allocation of the tax

credits in the preceding calendar quarter. Such reports shall include:

- (a) The amount of applications the regional SBTDC received;
- (b) The number and ratio of successful applications to unsuccessful applications;
- (c) The amount of tax credits allocated but not issued in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms;
- (d) The amount of unallocated tax credits; and
- (e) Such other information as reasonably agreed upon by each regional SBTDC and the department.

(3) The department shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

- (a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;
- (b) The types of businesses that benefited from the tax credits;
- (c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;
- (d) Any aggregate job creation or capital investment in the region that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;
- (e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to the region;
- (f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within the region during the preceding year and cumulatively since the effective date of this section and section 348.273;
- (g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within the region;
- (h) An estimate of the multiplier effect on the economy of the region of the cash investments made under this section and section 348.273;
- (i) Information regarding what businesses derived benefit from the tax credits remained in the region, what businesses ceased business, what businesses were purchased, and what businesses may have moved out-of-region or out-of-state and why.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and such business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.

5. Notwithstanding sections 23.250 to 23.298 of the Missouri sunset act, sections 348.273 and 348.274 shall expire on December 31, 2019.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 112, Page 1, In the Title, Line 1, by inserting after “RSMo,” the following:

“and section 135.630 as truly agreed to and finally passed by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 20, 15 & 19, ninety-seventh general assembly, first regular session,”; and

Further amend said substitute, Page 1, Section A, Line 1, by inserting after “RSMo,” the following:

“and section 135.630 as truly agreed to and finally passed by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 20, 15 & 19, ninety-seventh general assembly, first regular session,”; and

Further amend said substitute, Page 11, Section 99.1205, Line 266, by inserting after all of said line the following:

“135.630. 1. As used in this section, the following terms mean:

- (1) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) “Director”, the director of the department of social services;
- (3) “Pregnancy resource center”, a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross

receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on the effective date of this act, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section;

(2) For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million **five hundred thousand** dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director

of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.”; and

Further amend said substitute, Page 38, Section 620.1039, Line 70, by inserting after all of said line the following:

“[135.630. 1. As used in this section, the following terms mean:

(1) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) “Director”, the director of the department of social services;

(3) “Pregnancy resource center”, a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by

the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on the effective date of this act, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section;

(2) For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure

described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. [Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

10.] Pursuant to section 23.253 of the Missouri sunset act:

(1) [Any new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,] The program authorized under this section shall [automatically sunset twelve years after the effective date of the reauthorization of this section] **be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly;** and

[(3)] (2) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; **and**

(3) **The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.];** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly. Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Richard, the Senate recessed until 7:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

HOUSE BILLS ON THIRD READING

HJR 16, introduced by Representative McCaherty, et al, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

Was called from the Informal Calendar and taken up by Senator Schaaf.

SCS for **HJR 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

Was taken up.

Senator Schaaf moved that **SCS** for **HJR 16** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **HJR 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Holsman	Justus	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Chappelle-Nadal Keaveny—2

Absent—Senators—None

Absent with leave—Senators

Dempsey Rupp—2

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Schaaf, title to the joint resolution was agreed to.

Senator Schaaf moved that the vote by which the joint resolution passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President:

The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HB 103**, as amended. Representatives: Kelley (127), Richardson, and Rizzo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SS** for **HB 336**, as amended, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 24**, as amended, and grants the Senate a conference thereon.

The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 24**, as amended. Representatives: Hinson, Jones (50), and Rizzo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 100**, as amended, and grants the Senate a conference thereon.

The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 100**, as amended. Representatives: Cox, Elmer, and Kelly (45).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 12**, as amended, and grants the Senate a conference thereon.

The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 12**, as amended. Representatives: Jones (50), Haahr, and Kelly (45).

CONFERENCE COMMITTEE APPOINTMENTS

Senator Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 12**, as amended: Senators Schaefer, Dixon, Schmitt, Justus and Keaveny.

Senator Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **SB 114**, as amended: Senators Schmitt, Schaefer, Parson, McKenna and Holsman.

Senator Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 100**, as amended: Senators Keaveny, Dixon, Schaefer, Schmitt and Justus.

Senator Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 24**, as amended: Senators Parson, Kehoe, Romine, Walsh and LeVota.

PRIVILEGED MOTIONS

Senator Silvey moved that the Senate refuse to recede from its position on **SS** for **HB 336**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

Senator Richard appointed the following conference committee to act with a like committee from the House on **SS** for **HB 336**, as amended: Senators Silvey, Schmitt, Kehoe, Justus and Holsman.

HOUSE BILLS ON THIRD READING

HCS for **HB 128**, entitled:

An Act to repeal sections 52.230 and 52.240, RSMo, and to enact in lieu thereof two new sections relating to property tax bills.

Was called from the Informal Calendar and taken up by Senator Kraus.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 128, Page 1, In the Title, Line 3, by striking “property tax bills” and inserting in lieu thereof the following: “taxation”; and

Further amend said bill, page 2, section 52.240, line 27, by inserting immediately after said line the following:

“143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, **or the manner set forth in subdivision (3) of this subsection**:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)] (c) For the purposes of this [section] **subdivision**, a transaction involving the sale of tangible property is:

[(a)] **a.** “Wholly in this state” if both the seller’s shipping point and the purchaser’s destination point are in this state;

[(b)] **b.** “Partly within this state and partly without this state” if the seller’s shipping point is in this state and the purchaser’s destination point is outside this state, or the seller’s shipping point is outside this state and the purchaser’s destination point is in this state;

[(c)] **c.** Not “wholly in this state” or not “partly within this state and partly without this state” only if both the seller’s shipping point and the purchaser’s destination point are outside this state[;].

(d) For purposes of this subdivision:

a. The purchaser’s destination point shall be determined without regard to the FOB point or other

conditions of the sale[.]; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from

the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) “Management services” include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) “Qualifying sales”, gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) “Residence”, presumptively the fund shareholder’s mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder’s primary residence or principal place of business is different than the fund shareholder’s mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder’s residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation’s total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company’s fund shareholders resided in this state at the beginning of and at the end of the investment company’s taxable year that ends with or within the investment funds service corporation’s taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company’s fund shareholders everywhere at the beginning of and at the end of the investment company’s taxable year that ends with or within the investment funds service corporation’s taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered

for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 128, Page 2, Section 52.240, Line 27, by inserting after all of said line the following:

“99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such

redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July

12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district**, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution

to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

- (n) The anticipated type and term of the sources of funds to pay such development project costs;
- (o) The anticipated type and terms of the obligations to be issued;
- (p) The most recent equalized assessed valuation of the property within the development project area;
- (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
- (r) The general land uses to apply in the development area;
- (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
- (t) The total number of full-time equivalent positions in the development area;
- (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
- (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
- (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
- (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
- (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
- (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
- (aa) A list of other community and economic benefits to result from the project;
- (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
- (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;
- (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
- (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
- (ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kraus, **HCS** for **HB 128**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 215**, with **SCS**, entitled:

An Act to repeal sections 43.518, 56.807, 488.026, 488.2250, 559.100, 559.105, 570.120, 600.042, 600.044, and 600.090, RSMo, and to enact in lieu thereof fourteen new sections relating to criminal procedure, with penalty provisions, an effective date and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Dixon.

SCS for **HCS** for **HB 215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 215

An Act to repeal sections 43.518, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447,

217.010, 217.345, 339.100, 375.1312, 544.455, 556.036, 556.037, 556.061, 557.011, 558.018, 558.026, 559.036, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 570.120, 573.037, 589.015, 590.700, 595.220, 600.011, 600.040, 600.042, 600.048, 632.480, 632.498, and 632.505, RSMo, and to enact in lieu thereof fifty new sections relating to criminal procedures, with penalty provisions, and an emergency clause for a certain section.

Was taken up.

Senator Dixon moved that **SCS** for **HCS** for **HB 215** be adopted.

Senator Dixon offered **SS** for **SCS** for **HCS** for **HB 215**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 215

An Act to repeal sections 43.518, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 217.345, 217.703, 339.100, 375.1312, 544.455, 556.036, 556.037, 556.061, 557.011, 558.018, 558.026, 559.036, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 570.120, 573.037, 589.015, 590.700, 595.220, 600.011, 600.040, 600.042, 600.048, 632.480, 632.498, and 632.505, RSMo, and to enact in lieu thereof fifty-two new sections relating to criminal procedures, with penalty provisions, and an emergency clause for certain sections.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HB 215** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 215, Page 59, Section 375.1312, Line 25 of said page, by inserting after all of said line the following:

“455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) “Abuse” includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) “Assault”, purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) “Battery”, purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) “Coercion”, compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) “Harassment”, engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of

conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) “Sexual assault”, causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;

(f) “Unlawful imprisonment”, holding, confining, detaining or abducting another person against that person’s will;

(2) “Adult”, any person seventeen years of age or older or otherwise emancipated;

(3) “Child”, any person under seventeen years of age unless otherwise emancipated;

(4) “Court”, the circuit or associate circuit judge or a family court commissioner;

(5) “Domestic violence”, abuse or stalking **committed by a family or household member**, as [both] **such** terms are defined in this section;

(6) “Ex parte order of protection”, an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) “Family” or “household member”, spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) “Full order of protection”, an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) “Order of protection”, either an ex parte order of protection or a full order of protection;

(10) “Pending”, exists or for which a hearing date has been set;

(11) “Petitioner”, a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

(12) “Respondent”, the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

(13) “Stalking” is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person’s situation to have been alarmed by the conduct. As used in this subdivision:

(a) “Alarm” means to cause fear of danger of physical harm;

(b) “Course of conduct” means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and

(c) “Repeated” means two or more incidents evidencing a continuity of purpose.

455.015. The petition shall be filed in the county where the petitioner resides, where the alleged incident of [abuse] **domestic violence** occurred, or where the respondent may be served.

455.020. 1. Any [adult] **person** who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence or stalking by the respondent.

2. [An adult’s] **A person’s** right to relief under sections 455.010 to 455.085 shall not be affected by [his] **the person** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties.

455.030. 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from [abuse] **domestic violence** or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available court in the city or county having jurisdiction to hear the petition pursuant to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such court or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure. Effective January 1, 2004, a petitioner shall not be required to provide his or her Social Security number on any petition or document filed in connection with a protection order; except that, the court may require that a petitioner’s Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

455.032. In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent’s actions constituting [abuse] **domestic violence** have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of [abuse] **domestic violence** within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence** to the petitioner **or the child on whose behalf the petition**

is filed shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.020.**

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than seventeen years of age, unless otherwise emancipated, service of process shall be made upon a **custodial** parent or guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that the person appear and bring the respondent before the court at the time and place stated.**

3. If an ex parte order is entered and [the allegations in the petition would give rise to jurisdiction under section 211.031 because] the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian.

455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of [abuse] **domestic violence** or stalking by a preponderance of the evidence, **and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law**, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of [abuse] **domestic violence or stalking** is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. [Such notice shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.] The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. **Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from [abuse] **domestic violence** or stalking and may include:

(1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further [abuse] **domestic violence**. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452[, RSMo 1978, as amended].

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from [abusing, molesting, stalking or disturbing the peace of] **committing an act of domestic violence against** the petitioner and which enjoin

the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the order of the court granting a motion to terminate the order of protection by the petitioner. [The court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be heard.] Prior to terminating any order of protection, the court may [examine the circumstances of the motion to dismiss and may] inquire of the petitioner or others in order to [assist the court in determining if] **determine whether the** dismissal is voluntary.

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction.

455.080. 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of [abuse] **domestic violence or stalking** or violation of an order of protection can be informed of any recorded prior incident of [abuse] **domestic violence or stalking** involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of [abuse] **domestic violence or stalking** or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of [abuse] **domestic violence or stalking** or violation of protection orders than is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

- (1) The caller indicates that violence is imminent or in progress; or
- (2) A protection order is in effect; or
- (3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with [family and household quarrels] **domestic violence**. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of [family or household abuse] **domestic violence** is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident.

4. The officer at the scene of an alleged incident of [abuse] **domestic violence or stalking** shall inform the abused party of available judicial remedies for relief from [adult abuse] **domestic violence** and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to [abuse or assault] **domestic violence**, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information.

Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest [he], **the officer** is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party [he] **the officer** believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims [of domestic violence] from continuing [abuse] **domestic violence**;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of [family] **domestic violence** shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether [he] **the officer** should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the

jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence, stalking**, or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.503. 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of [abuse] **domestic violence or stalking** occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

- (1) A parent or guardian of the victim;
- (2) A guardian ad litem or court-appointed special advocate appointed for the victim; or
- (3) The juvenile officer.

455.505. 1. An order of protection for a child who has been subject to domestic violence by a present or former [adult] household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence **or stalking** by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by [his] **the child's** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order

of protection. An immediate and present danger of [abuse] **domestic violence or stalking** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.**

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If [an ex parte order is entered and] the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence **or stalking** and may include such terms as the court reasonably deems necessary to ensure the [petitioner's] **victim's** safety, including but not limited to:

(1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and

(3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence and **stalking** may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from [abusing] **committing domestic violence**, threatening to [abuse] **commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help [child abusers] stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

455.538. 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act [of abuse] in violation of that order, [he] **the officer** shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to [abuse] **domestic violence, stalking**, child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or

other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence or stalking** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

527.290. 1. Public notice of such a change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of court is made, and if no newspaper is published in [his] **the person's** or any adjacent county, then such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of government.

2. Public notice of such name change through publication as required in subsection 1 of this section shall not be required, **and any system operated by the judiciary that is designed to provide public case information electronically shall not post the name change**, if the petitioner is:

(1) The victim of a crime, the underlying factual basis of which is found by the court on the record to include an act of domestic violence, as defined in section 455.010;

(2) The victim of child abuse, as defined in section 210.110; or

(3) The victim of [abuse] **domestic violence** by a family or household member, as defined in section 455.010.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Dixon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 215, Page 94, Section 559.117, Line 1 of said page, by inserting immediately after said line the following:

“565.020. 1. A person commits the [crime] **offense** of murder in the first degree if he **or she** knowingly causes the death of another person after deliberation upon the matter.

2. **The offense of** murder in the first degree is a class A felony, and **, if a person is eighteen years of age or older at the time of the crime**, the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his **or her** [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be **either** imprisonment for life without eligibility for probation or parole, or release except by act of the governor, **or imprisonment for life with eligibility for parole after such person has served fifty years in prison.**

565.033. 1. When a person is charged with first degree murder who was less than eighteen years of age at the time of the offense, the prosecuting or circuit attorney may file a notice of his or her

intent to seek a punishment of imprisonment for life without eligibility for parole. If the notice is filed, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty of any submitted offense. If the person is found guilty of first degree murder, a second stage of the trial shall then proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury, it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment and, if the trier declares the punishment to be imprisonment for life without parole, the trier shall set out in writing in its findings or verdict the aggravating circumstances or mitigating circumstances it considered and the reasons supporting the sentence imposed.

2. If the prosecuting or circuit attorney does not seek a punishment of imprisonment for life without eligibility for parole, the submission to the trier and all subsequent proceedings in the case shall proceed with a single stage trial and, if the person is found guilty of first degree murder, the punishment shall be imprisonment for life with eligibility for parole after the person has served fifty years in prison. If the person is found guilty of a lesser homicide offense, the procedure for the punishment phase shall be the same as provided under subsection 3 of section 565.030.

3. The procedures provided under this section shall not apply to any case that is final for purposes of appeal on or before the effective date of this section. A case is final for purposes of appeal when the time for filing an appeal in the Missouri Court of Appeals has expired; if an appeal was filed in the Missouri Court of Appeals, when the time for filing an application for transfer in the Missouri Supreme Court has expired; if an application was filed for transfer to the Missouri Supreme Court, when the application for transfer was denied or when a timely filed motion for rehearing was denied; or if the Missouri Supreme Court granted transfer, when the Missouri Supreme Court rendered its decision or when a timely-filed motion for rehearing was denied.

4. Any person sentenced to imprisonment for life without the eligibility for parole before the effective date of this section for an offense committed when the person was less than eighteen years of age may file a motion in the sentencing court for a sentencing hearing within six months of the effective date of this section. Such sentencing hearing shall be heard by the judge. The sole purpose of the sentencing hearing shall be to determine if the sentence of imprisonment for life without eligibility for parole that was originally imposed shall remain or be amended to imprisonment for life with eligibility for parole after the person has served fifty years in prison.”; and

Further amend said bill, page 136, section B, lines 1-2 of said page, by striking “section 600.062” and inserting in lieu thereof the following: “sections 565.033 and 600.062”; and further amend line 2 of said page, by striking “section 632.480” and inserting in lieu thereof the following: “sections 565.020 and 632.480”; and further amend line 6 of said page, by striking “section 600.062” and inserting in lieu thereof the following: “sections 565.033 and 600.062”; and further amend line 7 of said page, by striking “section 632.480” and inserting in lieu thereof the following: “sections 565.020 and 632.480”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted.

At the request of Senator Dixon, **HCS** for **HB 215**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

HCS for **HB 722**, with **SCS**, entitled:

An Act to repeal section 86.257, RSMo, and to enact in lieu thereof one new section relating to police retirement.

Was called from the Informal Calendar and taken up by Senator Schmitt.

SCS for **HCS** for **HB 722**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 722**

An Act to repeal sections 86.200, 86.257, and 86.263, RSMo, and to enact in lieu thereof three new sections relating to police retirement.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS** for **HB 722** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HCS** for **HB 722** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 307**, as amended, and has

taken up and passed **CCS** for **SS** for **SCS** for **HB 307**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 282**, as amended, and requests the Senate to take up and adopt **HCS** for **SCS** for **SB 282**, as amended, and pass **HCS** for **SCS** for **SB 282**, as amended.

Also,

Mr. President:

The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SS** for **HB 336**, as amended. Representatives: Hinson, Hough and Montecillo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **SB 36**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 36**.

Bill ordered enrolled.

Senator Richard assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HCS** for **HB 727**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HCS** for **HB 717**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

Senator Richard referred **HCS** for **HB 727**, with **SCS** and **HCS** for **HB 717**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Pearce assumed the Chair.

PRIVILEGED MOTIONS

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 307**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 307

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House

Bill No. 307, with Senate Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 307, as amended;
2. That the House recede from its position on House Bill No. 307;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 307 be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jeanie Riddle

/s/ Dave Hinson

Rochelle Walton Gray

FOR THE SENATE:

/s/ Eric Schmitt

/s/ Bob Dixon

/s/ Michael Kehoe

/s/ Ryan McKenna

/s/ Jason Holsman

Senator Schmitt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators

Dempsey Rupp—2

Vacancies—None

On motion of Senator Schmitt, **CCS** for **SS** for **SCS** for **HB 307**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 307

An Act to repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.490, 84.830, 85.551, 106.270, 174.700, 174.703, 174.706, 190.100, 321.015, 321.210, 321.322, and 544.157, RSMo, and to enact in lieu thereof twenty-two new sections relating to emergency service providers, with existing penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
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Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Dempsey Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 16, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 80 entitled:

AN ACT

To repeal section 344.040, RSMo, and to enact in lieu thereof one new section relating to the notification of licence renewal for nursing home administrators.

On May 16, 2013, I approved said Senate Bill No. 80.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 16, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 376 entitled:

AN ACT

To repeal section 206.110, RSMo, and to enact in lieu thereof one new section relating to the powers of hospital districts.

On May 16, 2013, I approved said Senate Committee Substitute for Senate Bill No. 376.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 16, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 324 entitled:

AN ACT

To amend chapter 375, RSMo, by adding thereto one new section relating to limited lines travel insurance producer licensing.

On May 16, 2013, I approved said Senate Committee Substitute for Senate Bill No. 324.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 16, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 287 entitled:

AN ACT

To repeal sections 379.1300, 379.1306, 379.1310, 379.1312, and 379.1326, RSMo, and to enact in lieu thereof six new sections relating to captive insurance companies.

On May 16, 2013, I approved said Senate Committee Substitute for Senate Bill No. 287.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 16, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 306 entitled:

AN ACT

To repeal section 338.150, RSMo, and to enact in lieu thereof one new section relating to pharmaceutical testing by the board of pharmacy.

On May 16, 2013, I approved said Senate Bill No. 306.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 16, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 191 entitled:

AN ACT

To repeal sections 386.170 and 386.180, RSMo, and to enact in lieu thereof two new sections relating to the forms of publication issued by the public service commission.

On May 16, 2013, I approved said Senate Committee Substitute for Senate Bill No. 191.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

RESOLUTIONS

Senator Sifton offered Senate Resolution No. 1020, regarding Tiffany Lee, Sunset Hills, which was adopted.

Senator Nasheed offered Senate Resolution No. 1021, regarding Courtney Groce, which was adopted.

Senator Nasheed offered Senate Resolution No. 1022, regarding Jessica Green, which was adopted.

Senator Nasheed offered Senate Resolution No. 1023, regarding Natasha Harris, which was adopted.

Senator Nasheed offered Senate Resolution No. 1024, regarding Koffi Assih, which was adopted.

Senator Nasheed offered Senate Resolution No. 1025, regarding Derick J. Jones, Jefferson City, which was adopted.

Senator Nasheed offered Senate Resolution No. 1026, regarding Sacha Tyson, which was adopted.

Senator LeVota offered Senate Resolution No. 1027, regarding Christy Garnett, which was adopted.

Senator LeVota offered Senate Resolution No. 1028, regarding Truman High School, Independence, which was adopted.

Senator Walsh offered Senate Resolution No. 1029, regarding Sergeant Gerald F. Fitzgerald, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Taylor Elwell, Leeton; and Gary Grigsby, Warrensburg,

representatives of Boy's State.

Senator Pearce introduced to the Senate, Jeremy, Kim and James Sayler and Kathy Teter, Glasgow.

Senator Schaaf introduced to the Senate, the Physician of the Day, Mahrukh Khan, M.D., St. Louis.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTIETH DAY—FRIDAY, MAY 17, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

SB 350-Dempsey

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HB 473 (Lager)
(In Fiscal Oversight) | 11. HCS for HB 76, with SCS (Pearce) |
| 2. HCS for HJRs 5 & 12, with SCS (Kraus)
(In Fiscal Oversight) | 12. HCS for HB 28, with SCS (Wallingford) |
| 3. HCS for HBs 48 & 216 (Kraus)
(In Fiscal Oversight) | 13. HB 60-Engler, with SCS (Romine) |
| 4. HCS for HB 114 (Brown) | 14. HCS for HB 222, with SCS (Schmitt)
(In Fiscal Oversight) |
| 5. HCS for HB 653, with SCS (Pearce) | 15. HB 568-Lauer and Gatschenberger,
with SCS (Kraus) |
| 6. HCS for HB 343, with SCS (Kraus) | 16. HB 733-Berry, et al (Silvey) |
| 7. HB 429-Schatz (Wasson) | 17. HCS for HB 813 (Wasson)
(In Fiscal Oversight) |
| 8. HCS for HB 30 (Schmitt)
(In Fiscal Oversight) | 18. HB 632-Dunn, et al (Curly) |
| 9. HB 152-Solon, et al, with SCS (Kraus) | 19. HB 634-Elmer, with SCA 1
(Wallingford) |
| 10. HCS for HB 675 (Pearce) | 20. HCS for HB 513 (Emery) |

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| 21. HB 42-Rowland, with SCS (Nieves) | 31. HCS for HB 252, with SCS (Lamping) |
| 22. HB 808-Funderburk, et al (Nieves) | 32. HB 460-Engler, with SCS |
| 23. HB 301-Engler, with SCS (Romine) | 33. HCS for HB 137 |
| 24. HCS for HBs 373 & 435, with SCS
(Dixon) | 34. HB 217-Cox, et al (Munzlinger) |
| 25. HCS for HB 257 (Sater) | 35. HCS for HBs 455 & 297 (Schmitt)
(In Fiscal Oversight) |
| 26. HB 702-Englund, et al (Brown) | 36. HB 756-Hubbard, et al (Nasheed)
(In Fiscal Oversight) |
| 27. HJR 8-Solon, et al (Munzlinger)
(In Fiscal Oversight) | 37. HCS for HB 543 (Dixon) |
| 28. HB 715-McCaherty (Nieves) | 38. HCS for HB 727, with SCS
(In Fiscal Oversight) |
| 29. HCS for HB 312 (Lager) | 39. HCS for HB 717, with SCS
(In Fiscal Oversight) |
| 30. HB 442-Hoskins, et al, with SCS
(Lamping) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 3-Rupp, with SA 1 (pending) | SB 250-Schaaf, with SCS |
| SB 13-Schaefer, with SCS | SB 259-Schaaf, with SCS |
| SB 21-Dixon | SB 272-Nieves, with SA 2 (pending) |
| SB 22-Dixon | SB 285-Romine |
| SB 30-Brown, with SCS | SB 291-Rupp |
| SB 48-Lamping | SB 292-Rupp |
| SB 53-Lamping | SB 308-Schaaf |
| SB 61-Keaveny, with SCA 1 (pending) | SB 315-Pearce |
| SB 65-Dixon, with SCS | SB 325-Nieves |
| SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending) | SB 339-Romine |
| SB 82-Schaefer, with SCS | SB 343-Parson |
| SB 109-Brown, with SCS | SB 364-Parson |
| SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending) | SB 371-Munzlinger, with SCS |
| SB 141-Dempsey | SB 377-Dixon |
| SB 167-Sater and Wallingford, with SCS | SB 383-Wallingford |
| SB 174-Parson, with SCS | SB 396-Holsman and Chappelle-Nadal, with
SCS |
| SB 175-Wallingford | SB 403-Rupp, with SCS |
| SB 207-Kehoe, et al, with SCS | SB 410-Kehoe |
| SB 231-Munzlinger, with SA 1 (pending) | SB 419-Lager, with SCS |
| SB 239-Emery, with SCS & SA 2 (pending) | SB 423-Nasheed |
| | SB 441-Dempsey |

SB 448-Schmitt and Keaveny
SB 455-Nieves, with SCS

SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
HB 55-Flanigan and Allen, with SCS
(Schaefer)
HB 85-Kelley (127), et al (Dixon)
HCS for HB 110, with SCS (Kraus)
HB 112-Burlison, with SA 2 (pending)
(Brown)
HCS for HB 134, with SCS (Schmitt)
HCS for HB 161, with SCS (Schmitt)
HCS for HB 168 (Kraus)
HCS for HB 194 (Parson)
HCS for HB 215, with SCS, SS for SCS &
SA 2 (pending) (Dixon)
HB 274-Brattin, et al, with SCS (Brown)
HB 278-Brattin, et al (Emery)
HCS for HB 306, with SCA 1 & SCA 2 (Pearce)

HCS for HB 320 (Lager)
HB 346-Molendorp (Wasson)
HCS for HB 349 (Kehoe)
HCS for HB 388, with SCS (Pearce)
HCS for HBs 404 & 614, with SCS &
SS for SCS (pending) (Kehoe)
HB 409-Love and Remole, with SS
(pending) (Parson)
HB 432-Funderburk, et al, with SCS &
SA 1 (pending) (Lager)
HCS for HB 440, with SCS (Munzlinger)
HB 450-Carpenter, et al, with SCS (Silvey)
HCS for HB 457, with SCS (Rupp)
HCS for HB 505, with SCS (Dixon)
HCS for HBs 593 & 695 (Schaaf)
HB 625-Burlison, with SCS (Wasson)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended
SB 112-Rupp and Richard, with HCS,
as amended
SB 222-Lamping, with HCS, as amended

SCS for SB 302-Wasson, with HA 1, HA 2,
HA 3 & HA 4
SS#2 for SCS for SJR 16-Kehoe, with HCS,
as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 9-Pearce, with HCS, as amended
(Senate adopted CCR#2 and passed CCS#2)
SB 12-Schaefer, with HCS, as amended
SCS for SB 17-Munzlinger and Romine,
with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 24-Parson, with HCS, as amended

SCS for SB 33-Lamping, with HA 1,
HA 2, HA 3, HA 4, HA 5 & HA 6
(Senate adopted CCR and passed CCS)
SB 41-Munzlinger, with HCS, as amended
SCS for SB 42-Munzlinger, with HCS,
as amended
(Senate adopted CCR and passed CCS)

SB 43-Munzlinger, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SCS for SB 45-Dixon, with HCS, as amended
 SB 51-Munzlinger, with HCS, as amended
 SB 57-Romine, with HCS, as amended
 (Further conference granted)
 SB 73-Schaefer, with HCS, as amended
 (Senate adopted CCR and passed HCS,
 as amended by CCR)
 SB 90-McKenna, with HCS, as amended
 SB 100-Keaveny, with HCS, as amended
 SS for SCS for SB 114-Schmitt, with
 HA 1, as amended
 SB 127-Sater, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SCS for SB 157 & SB 102-Sater, with HCS,
 as amended
 (Senate adopted CCR and passed CCS)
 SB 161-Pearce, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SCS for SB 224-Curls, et al, with HA 1,
 HA 2, HA 3, HA 4, HSA 1 for HA 5,
 HA 6, HA 7 & HA 8
 SCS for SB 248-Wasson, with HA 1 & HA 2
 (Senate adopted CCR and passed CCS)

SCS for SB 256-Silvey, with HCS,
 as amended
 (Senate adopted CCR and passed CCS)
 SS for SB 262-Curls, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SB 327-Dixon, with HA 1
 (Senate adopted CCR and passed CCS)
 SB 330-Wasson, with HCS, as amended
 (Senate adopted CCR#2 and passed CCS#2)
 SB 342-Parson, et al, with HCS, as amended
 HB 103-Kelley (127), et al, with SCS,
 as amended (Munzlinger)
 HCS for HB 117, with SS for SCS (Wasson)
 HCS for HB 199, with SS, as amended
 (Lamping)
 HCS for HBs 256, 33 & 305, with SA 2 &
 SA 3 (Kehoe)
 HB 336-Hinson, et al, with SS, as amended
 (Silvey)
 HCS for HBs 374 & 434, with SS for SCS,
 as amended (Dixon)
 HCS#2 for HB 698, with SCS, as amended
 (Schmitt)
 HCS for HB 1035, with SCS, as amended
 (Schmitt)

Requests to Recede or Grant Conference

SB 77-Lamping, with HA 1
 (Senate requests House recede
 & take up and pass bill)

SS for SB 282-Wasson, with HCS, as amended
 (House requests Senate recede
 & take up and pass bill)

RESOLUTIONS

Reported from Committee

HCR 25-Allen (Walsh)

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY—FRIDAY, MAY 17, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Therefore nothing should give comfort and joy to those who love you as much as knowing that your will and purposes are accomplished in them.” (Thomas a Kempis)

Wondrous God, this is it, our last day and much to get done. And whether we get our last minute bill for passage before this body or not let our minds be comforted that we have tried to walk the path You have laid out for us and we have remained faithful to You. Let the joy of having served You fill our hearts and bless us with the knowledge we have tried to honor You with our words and actions. May Your blessings rest on us and Your people and on this land this and every day, O Lord, as we sing Your praises and say a grateful Alleluia. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from the Daily Star Journal were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Silvey offered Senate Resolution No. 1030, regarding Sean Mitchell Baker, which was adopted.

Senator Silvey offered Senate Resolution No. 1031, regarding William Alexander “Alex” Westhues, which was adopted.

Senator Silvey offered Senate Resolution No. 1032, regarding William Charles “Will” Ording, which was adopted.

Senator Schaefer offered Senate Resolution No. 1033, regarding Monarch Title Company, Inc., which was adopted.

Senator Wasson offered Senate Resolution No. 1034, regarding Chance Wolfe, which was adopted.

Senator Kehoe offered Senate Resolution No. 1035, regarding Stephen L. Hitch, Peoria, Illinois, which was adopted.

Senator McKenna offered Senate Resolution No. 1036, regarding the First Baptist Church of Arnold, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 89**, entitled:

An Act to repeal sections 198.310 and 198.345, RSMo, and to enact in lieu thereof three new sections relating to the establishment and administration of certain health care facilities and senior housing, with an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 1, by inserting after “RSMo,” the following: “and section 191.237 as truly agreed to and finally passed by senate committee substitute for house committee substitute for house bill no. 986, ninety-seventh general assembly, first regular session,”; and

Further amend said bill and page, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the phrase “relating to health care, with an emergency clause for a certain section”; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after “RSMo,” the following: “and section 191.237 as truly agreed to and finally passed by senate committee substitute for house committee substitute for house bill no. 986, ninety-seventh general assembly, first regular session,”; and

Further amend said bill, Pages 1 through 5, Section 96.229 by removing said section from the bill; and

Further amend said bill, Page 5, Section 96.229, Line 125, by inserting after all of said line the following:

“191.237. 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. A health information organization shall not restrict the exchange of state agency data or standards-based clinical summaries for patients for federal Health Insurance Portability and Accountability Act (HIPAA) allowable uses. Charges for such service shall not exceed the cost of the actual technology connection or recurring maintenance thereof.

3. As used in this section, the following terms shall mean:

(1) “Fine or penalty”, any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) “Health care system”, any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) “Health information organization”, an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.”; and

Further amend said bill, Page 5, Section 198.345, Line 10, by inserting after all of said line the following:

“[191.237. 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. No health information organization may impose connection fees or recurring connection fees on another health information organization for the purpose of exchanging standards-based clinical summaries for patients or for sharing information of an agency of the state of Missouri.

3. As used in this section, the following terms shall mean:

(1) “Fine or penalty”, any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) “Health care system”, any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) “Health information organization”, an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.];” and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly. Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Kehoe moved that **SS No. 2** for **SCS** for **SJR 16**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Kehoe, **SS No. 2** for **SCS** for **SJR 16**, with **HCS**, as amended, was placed back on the Calendar.

CONCURRENT RESOLUTIONS

Senator Walsh moved that **HCR 25** be taken up for adoption, which motion prevailed.

Senator Walsh offered **SS** for **HCR 25**, entitled:

SENATE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 25

WHEREAS, the Interim Committee on Local Governance of the Missouri House of Representatives (the Committee) submitted a report to the Speaker of the House dated December 31, 2012; and

WHEREAS, this report contained a synopsis of the issues presented to the Committee, as well as its recommendations; and

WHEREAS, the Committee reported on the governance and taxation issues in the St. Louis Metropolitan Statistical Area (MSA); and

WHEREAS, the report details the changes in the laws that make the St. Louis area unique:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri House Ninety-Seventh General Assembly, First Regular Session, the Senate concurring therein, hereby establish the Joint Interim Committee on St. Louis Metropolitan Statistical Area Governance and Taxation (Joint Committee); and

BE IT FURTHER RESOLVED that the Joint Committee shall be composed of three majority party members to be appointed by the Speaker of the House of Representatives, two minority party members to be appointed by the Minority Leader of the House of Representatives, three majority party members to be appointed by the President Pro Tem of the Senate, and two minority party members to be appointed by the Minority Leader of the Senate; and

BE IT FURTHER RESOLVED that the Joint Committee shall interview and select an appropriate entity to conduct the independent study called for in the report and make recommendations to secure the appropriate commitments to fund the independent study at no direct cost to the state; and

BE IT FURTHER RESOLVED that the Joint Committee shall receive the independent study and, upon receipt, review the study as well as conduct a comprehensive analysis of the taxation and governance issues facing the St. Louis MSA, and make recommendations on proposed legislation for the 2014 legislative session; and

BE IT FURTHER RESOLVED that if this Joint Committee is not in receipt of an independent study by September 1, 2013, it shall proceed on its own and perform its own investigation and analysis of the circumstances so that this Joint Committee shall be able to make its recommendation for proposed legislative changes no later than December 31, 2013; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to hold public hearings as it deems advisable and may solicit, and shall accept, any input or information necessary to fulfill its obligations, including but not limited to any agency of the state or any political subdivision of the state which the committee may find helpful; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Joint Committee, its members, and any staff assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Joint Committee will report its recommendations and findings to the Missouri General Assembly by December 21, 2013; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to function during the interim between the First Regular Session of the 97th General Assembly through the end of the Second Regular Session of the 97th General Assembly; and

BE IT FURTHER RESOLVED that the Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

Senator Walsh moved that **SS** for **HCR 25** be adopted, which motion prevailed.

On motion of Senator Walsh, **HCR 25**, as amended by **SS**, was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Nieves—1

Absent—Senator Kraus—1

Absent with leave—Senators—None

Vacancies—None

PRIVILEGED MOTIONS

Senator Munzlinger moved that **SCS** for **SB 89**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 89**, as amended, was taken up.

Senator Munzlinger moved that **HCS** for **SCS** for **SB 89**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, **HCS** for **SCS** for **SB 89**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Rupp moved that **HCS** for **SB 112**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 112**, as amended, was taken up.

Senator Rupp moved that **HCS** for **SB 112**, as amended, be adopted.

At the request of Senator Rupp, his motion to adopt **HCS** for **SB 112**, as amended, was withdrawn.

Senator Rupp moved that the Senate refuse to concur in **HCS** for **SB 112**, as amended, and request the House to recede from its position and take up and pass **SB 112**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS No. 2** for **HB 698**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS No. 2** for **HB 698**.

Emergency clause defeated.

PRIVILEGED MOTIONS

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS No. 2** for **HB 698**, as amended, moved that the following conference committee report be taken up. He requested a roll call vote be taken and was joined in his request by Senators Dempsey, Justus, Richard and Pearce.

Senator Pearce assumed the Chair.

The motion to take up the **CCR** on **SCS** for **HCS No. 2** for **HB 698**, as amended, was adopted by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Brown

Emery

Schaefer—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 698

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, with Senate Amendment No. 1 to Senate Amendment No. 1 and Senate Amendment No. 1 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, as amended;

2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 698;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Anne Zerr

/s/ Caleb Jones

/s/ Michele Kratky

FOR THE SENATE:

/s/ Eric S. Schmitt

/s/ Ron Richard

/s/ Will Kraus

/s/ Jolie L. Justus

/s/ Ryan McKenna

Senator Schmitt moved that the above **CCR** be adopted.

At the request of Senator Schmitt, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

At the request of Senator Brown, **HCS** for **HB 114** was placed on the Informal Calendar.

HCS for **HB 653**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 343**, with **SCS**, was placed on the Informal Calendar.

HB 429 was placed on the Informal Calendar.

HB 152, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 675** was placed on the Informal Calendar.

HCS for **HB 76**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **HCS** for **HB 28**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Romine, **HB 60**, with **SCS**, was placed on the Informal Calendar.

HB 568, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Silvey, **HB 733** was placed on the Informal Calendar.

At the request of Senator Curls, **HB 632** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HB 634**, with **SCA 1**, was placed on the Informal Calendar.

At the request of Senator Emery, **HCS** for **HB 513** was placed on the Informal Calendar.

At the request of Senator Nieves, **HB 42**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Nieves, **HB 808** was placed on the Informal Calendar.

HB 301, introduced by Representative Engler, with **SCS**, entitled:

An Act to repeal section 632.498, RSMo, and to enact in lieu thereof one new section relating to civil commitment of sexually violent predators.

Was taken up by Senator Romine.

SCS for **HB 301**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 301

An Act to repeal sections 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof three new sections relating to civil commitment of sexually violent predators, with an emergency clause.

Was taken up.

Senator Romine moved that **SCS** for **HB 301** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 301, Page 1, Section 632.480, Line 1, by striking "1."; and

Further amend said bill and section, Page 2, Lines 30 to 36, by striking said lines; and

Further amend said bill, Page 8, Section 632.505, Line 164, by inserting after all of said line the following:

"Section 1. It is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in: Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); and State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012) and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively."; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 301, Page 1, In the Title, Line 3 of the title, by

striking “civil commitment of” and inserting in lieu thereof the following: ”

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district’s determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district’s discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, “need to know” is defined as school personnel who are directly responsible for the student’s education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase “act of school violence” or “violent behavior” means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) [Forcible] Rape **in the first degree** under section 566.030;
- (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;

- (15) Second degree assault under section 565.060;
- (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- (24) Harassment under section 565.090; or

(25) Stalking under section 565.225; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or
- (4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat

to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while

involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the

county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty

of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for An Act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;**
- (6) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;**
- (7) Burglary in the first degree under section 569.160;
- (8) Robbery in the first degree under section 569.020;
- (9) Distribution of drugs under section 195.211;
- (10) Distribution of drugs to a minor under section 195.212;
- (11) Arson in the first degree under section 569.040;
- (12) Voluntary manslaughter under section 565.023;
- (13) Involuntary manslaughter under section 565.024;
- (14) Second degree assault under section 565.060;
- (15) Sexual assault under section 566.040 **as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;**
- (16) Felonious restraint under section 565.120;
- (17) Property damage in the first degree under section 569.100;
- (18) The possession of a weapon under chapter 571;
- (19) Child molestation in the first degree pursuant to section 566.067;
- (20) Deviate sexual assault pursuant to section 566.070 **as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;**
- (21) Sexual misconduct involving a child pursuant to section 566.083; or

(22) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts

relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for An Act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

(1) Such pupil has been convicted of; or

(2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(4) The pupil has been adjudicated to have committed An Act which if committed by an adult would be one of the following:

(a) First degree murder under section 565.020;

(b) Second degree murder under section 565.021;

©) First degree assault under section 565.050;

(d) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;

(e) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;

(f) Statutory rape under section 566.032;

(g) Statutory sodomy under section 566.062;

(h) Robbery in the first degree under section 569.020;

(I) Distribution of drugs to a minor under section 195.212;

(j) Arson in the first degree under section 569.040;

(k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the

consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: rape **in the first degree** under section 566.030; **forcible rape under section 566.030 as it existed prior to August 28, 2013; rape as it existed prior to August 13, 1980;** statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 566.034; **rape in the second degree under section 566.031;** sexual assault under section 566.040 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060;** forcible sodomy under section 566.060 **as it existed prior to August 28, 2013; sodomy as it existed prior to January 1, 1995;** statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree under section 566.067; child molestation in the second degree under section 566.068; **sodomy in the second degree under section 566.061;** deviate sexual assault under section 566.070 **as it existed prior to August 28, 2013;** sexual misconduct involving a child under section 566.083; sexual contact with a student while on public school property under section 566.086; **sexual misconduct in the first degree under section 566.093;** sexual misconduct in the first degree under section 566.090 **as it existed prior to August 28, 2013; sexual misconduct in the second degree under section 566.095;** sexual misconduct in the second degree under section 566.093 **as it existed prior to August 28, 2013;** sexual misconduct in the third degree under section

566.095 as it existed prior to August 28, 2013; sexual abuse in the first degree under section 566.100; sexual abuse under section 566.100 as it existed prior to August 28, 2013; sexual abuse in the second degree under section 566.101; enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance under section 568.080; promoting sexual performance by a child under section 568.090; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting obscenity in the second degree when the penalty is enhanced to a class D felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

188.023. Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the first degree or statutory rape in the second degree, or if the patient is under the age of eighteen, that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape in the first or second degree**, or incest, shall be required to report such offenses in the same manner as provided for by section 210.115.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 **as it existed prior to August 28, 2013, rape in the first degree under section 566.030**, forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060**, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available

information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for An Act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

©) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

©) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including An Act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

©) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a “child” means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of An Act of forcible rape **or rape in the first degree**. When the biological father has pled guilty to, or is convicted of, the forcible rape **or rape in the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father’s parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent’s parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) “Nonviolent offender”, any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) “Offender”, a person under supervision or an inmate in the custody of the department;

(13) “Probation”, a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) “Volunteer”, any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee’s designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision

or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or An Act of violence, or for

any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape **in the first degree, forcible rape, rape**, statutory rape

in the first degree, statutory rape in the second degree, **rape in the second degree**, sexual assault, **sodomy in the first degree**, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, **sodomy in the second degree**, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree **under section 566.090 as it existed prior to August 28, 2013**, sexual abuse **under section 566.100 as it existed prior to August 28, 2013**, sexual abuse **in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

556.036. 1. A prosecution for murder, **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy, **attempted sodomy in the first degree**, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term

“person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant’s complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for **rape in the first degree**, forcible rape, **attempted rape in the first degree**, attempted forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, **attempted sodomy in the first degree**, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.

556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) “Affirmative defense” has the meaning specified in section 556.056;

(2) “Burden of injecting the issue” has the meaning specified in section 556.051;

(3) “Commercial film and photographic print processor”, any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) “Confinement”:

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

- a. A court orders the person's release; or
 - b. The person is released on bail, bond, or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;
- (b) A person is not in confinement if:
- a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;
- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
- (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
 - (b) It is given by a person who by reason of youth, mental disease or defect, [or] intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- © It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, **attempted rape in the first degree if physical injury results**, attempted forcible rape if physical injury results, **attempted sodomy in the first degree if physical injury results**, attempted forcible sodomy if physical injury results, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child [pursuant to subdivision (2) of subsection 3 of] **if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) “Felony” has the meaning specified in section 556.016;

(12) “Forcible compulsion” means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) “Incapacitated” means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person’s conduct, or unable to communicate unwillingness to An Act[. A person is not incapacitated with respect to An Act committed upon such person if he or she became unconscious, unable to appraise the nature of such person’s conduct or unable to communicate unwillingness to An Act, after consenting to the act];

(14) “Infraction” has the meaning specified in section 556.021;

(15) “Inhabitable structure” has the meaning specified in section 569.010;

(16) “Knowingly” has the meaning specified in section 562.016;

(17) “Law enforcement officer” means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) “Misdemeanor” has the meaning specified in section 556.016;

(19) “Offense” means any felony, misdemeanor or infraction;

(20) “Physical injury” means physical pain, illness, or any impairment of physical condition;

(21) “Place of confinement” means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) “Possess” or “possessed” means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) “Public servant” means any person employed in any way by a government of this state who is compensated by the government by reason of such person’s employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) “Purposely” has the meaning specified in section 562.016;

(25) “Recklessly” has the meaning specified in section 562.016;

(26) “Ritual” or “ceremony” means An Act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) “Serious emotional injury”, an injury that creates a substantial risk of temporary or permanent

medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) “Serious physical injury” means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) “Sexual conduct” means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in An Act of apparent sexual stimulation or gratification;

(30) “Sexual contact” means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) “Sexual performance”, any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) “Voluntary act” has the meaning specified in section 562.011.

558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender] **attempting to commit or committing the following offenses:**

(1) Statutory rape in the first degree or statutory sodomy in the first degree;

(2) Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;

(3) Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;

(4) Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;

(5) Rape committed or attempted before August 13, 1980;

(6) Sodomy committed or attempted before January 1, 1995.

2. A “persistent sexual offender” is one who has previously [pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection] **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and “imprisonment for life” shall mean imprisonment for the duration of the person’s natural life.

4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has** been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a “predatory sexual offender” is a person who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or

(2) Has previously committed An Act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or

(3) Has committed An Act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than thirty years;

(2) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than fifteen years;

(3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, and pleads guilty to or is found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except [that,] in the case of multiple sentences of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy or] **any offense committed during or at the same time as, or multiple offenses of, the following felonies:**

(1) Rape in the first degree, forcible rape, or rape;

(2) Statutory rape in the first degree;

(3) Sodomy in the first degree, forcible sodomy, or sodomy;

(4) Statutory sodomy in the first degree; or

(5) An attempt to commit any of the [aforesaid and for other offenses committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run concurrently, but] felonies listed in this subsection.

In such case, the sentence of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy] **any felony listed in this subsection** or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. **The sentences imposed for any other offense may run concurrently.**

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is

serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the board of probation and parole shall not be required for parole consideration.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection [5] **8** of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this [section] **subsection** or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate **one hundred twenty-day** program in which to place the offender, [including] **which may include placement in the shock incarceration program** or institutional treatment **program**. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a [treatment] program **under this subsection**, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. [The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release.] The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days [of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from] **from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal.** The department [of corrections a] **shall** report on the offender's participation in the program and [department] **may provide** recommendations for terms and conditions of an offender's probation. The court shall then [release the offender on probation or order the offender to remain in the department to serve the sentence imposed] **have the power to grant probation or order the execution of the offender's sentence.**

4. **If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions.** If the department of corrections one hundred twenty-day program **under subsection 3 of this section** is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request [that the offender be placed in the sexual offender assessment unit of the department of corrections] **the department of corrections to conduct a sexual offender assessment** if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. **Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.**

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration [for one hundred twenty days for participation in a department of corrections program] **under this section** prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 **as it existed prior to August 28, 2013; rape in the first degree under section 566.030**; forcible sodomy pursuant to section 566.060 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060**; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has

a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:

- (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;
- (2) Have been found guilty of, or plead guilty to, **rape in the first degree under section 566.030 or forcible rape under section 566.030 as it existed prior to August 28, 2013;**
- (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;
- (4) Have been found guilty of, or plead guilty to, **sodomy in the first degree under section 566.060 or forcible sodomy under section 566.060 as it existed prior to August 28, 2013;**
- (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;
- (6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;
- (7) Have been found to be a predatory sexual offender under section 558.018; or
- (8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide.

566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2.] Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

[3.] **2.** Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

[4.] **3.** Consent is not an affirmative defense to any offense under chapter 566 if the alleged victim is less

than twelve years of age.

566.030. 1. A person commits the [crime] **offense** of [forcible] rape **in the first degree** if [such person] **he or she** has sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible] rape **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] rape **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] rape **in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] rape **in the first degree or attempt to commit rape in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] rape **in the first degree** or an attempt to commit [forcible] rape **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] rape **in the second degree** if **he or she** has sexual intercourse with another person knowing that **he or she** does so without that person's consent.

2. [Sexual assault] **The offense of rape in the second degree** is a class C felony.

566.060. 1. A person commits the [crime] **offense** of [forcible] sodomy **in the first degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit [forcible] sodomy **in**

the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years [of age] **old**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] sodomy **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than twelve years of age**, and “life imprisonment” shall mean imprisonment for the duration of a person’s natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person knowing that he **or she** does so without that person’s consent.

2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C felony.

566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second] **first degree** if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. **The offense of** sexual misconduct in the [second] **first degree** is a class B misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an offense under this chapter, in which case it is a class A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third] **second degree** if

he **or she** solicits or requests another person to engage in sexual conduct under circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely to cause affront or alarm.

2. **The offense of** sexual misconduct in the [third] **second** degree is a class C misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree** if he **or she** subjects another person to sexual contact **when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

2. **The offense of** sexual abuse **in the first degree** is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B felony.

[566.090.] **566.101.** 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second** degree if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of** sexual [misconduct] **abuse** in the [first] **second** degree is a class A misdemeanor, unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony.

566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of **rape in the second degree under section 566.031**, sexual assault under section 566.040 **as it existed prior to August 28, 2013**, **rape in the first degree under section 566.030**, or forcible rape under section 566.030 **as it existed prior to August 28, 2013** to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, **rape in the first or second degree**, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, [or] forcible rape, **or rape in the first or second degree** case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

589.015. As used in sections 589.010 to 589.040:

(1) The term “center” shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term “sexual assault” shall include:

(a) The acts of rape **in the first or second degree**, forcible rape, **rape**, statutory rape in the first degree, statutory rape in the second degree, sexual assault, sodomy **in the first or second degree**, forcible sodomy, **sodomy**, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault, sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

(b) The act of incest, as this act is defined in section 568.020;

©) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

(d) The act of use of a child in a sexual performance as defined in section 568.080; and

(e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act.

590.700. 1. As used in this section, the following terms shall mean:

(1) “Custodial interrogation”, the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. “Custodial interrogation” shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

©) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) “Recorded” and “recording”, any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, **rape in the first degree**, forcible rape, **sodomy in the first degree**, forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

(1) If the suspect requests that the interrogation not be recorded;

(2) If the interrogation occurs outside the state of Missouri;

(3) If exigent public safety circumstances prevent recording;

(4) To the extent the suspect makes spontaneous statements;

(5) If the recording equipment fails; or

(6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action.”; and

Further amend said bill, page 1, section 632.480, line 11, by inserting immediately after “felonies of” the following: “**rape in the first degree**,”; and further amend line 12, by inserting immediately after “degree,” the following: “**sodomy in the first degree**,”; and further amend line 14, by inserting immediately after “first degree,” the following: “**rape in the second degree**,”; and further amend line 15, by inserting immediately after “first degree,” the following: “**sodomy in the second degree**,”; and

Further amend said bill, page 8, section B, line 2, by inserting immediately after “offenses” the following: “and to protect children”; and further amend said line, by striking “section 632.480 of section A” and inserting in lieu thereof the following: “sections 556.061, 568.060, and 632.480”; and further amend lines 5-6, by striking “section 632.480 of section A” and inserting in lieu thereof the following: “sections 556.061, 568.060, and 632.480”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 301, Page 1, In the Title, Line 3, by striking the words “civil commitment of sexually violent predators” and inserting in lieu thereof the following: “sex offenders”; and

Further amend said bill and page, Section A, line 3 by inserting after all of said line the following:

“43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual

offenses shall be included on this website.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register;

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is [exempted] **exempt** from registering under subsection [8] **9** of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious

restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law **unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section;** or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri **unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section.** "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the

registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection [7 or 8] **4, 8, or 9** of this section and the court orders the removal or exemption of such person from the registry.

4. Any person on the sexual offender registry under subdivision (5) or (6) of subsection 1 of this section may file a petition for removal from the registry after five years have passed from the later of the date the offender was found guilty of the offense that requires registration or the date the person was released from custody for such offense. The petition may be filed in the circuit court in the county in which the person was found guilty of the offense, or, if the offense was adjudicated outside the state, the person may file a petition in the circuit court in the county in which the person resides after such person has been a resident of Missouri for at least five years prior to filing the petition. The court shall grant the petition and enter an order directing the removal of the petitioner's name and information from the sexual offender registry unless it finds that the petitioner, in this state or any other state, territory, the District of Columbia, foreign country, or federal, tribal, or military jurisdiction:

(1) Has been adjudicated of, or has charges pending, for failure to register;

(2) Has been adjudicated of, or has charges pending for, any additional offense which would require registration as a sexual offender under this section, or section 211.425, and which occurred after the date such person initially registered as a sexual offender;

(3) Has not successfully completed any required period of supervised release, probation, or parole;
or

(4) If the petitioner's offense was adjudicated outside the state, such person has not been a resident of Missouri for at least five years prior to filing the petition.

If the petition was not granted solely because the petitioner had charges pending for failure to register or an additional offense that would require registration and such charges are subsequently dismissed or the petitioner is acquitted of the pending charges, the person may file a new petition at any time after the dismissal or acquittal of the pending charges. If the denial is based on a finding of guilt for an offense that would require registration under this section, or section 211.425, no successive petition shall be filed. If the denial is based on a finding of guilt for failure to register, the person may file a new petition after five years have passed from the date the person was found guilty for failure to

register. If the denial is based on the petitioner not completing a required period of supervised release, probation, or parole and the petitioner subsequently completes the period of supervised release, probation, or parole, then the person may file a new petition at any time after completing such period of release, probation, or parole. If the petition is denied because the petitioner's offense was adjudicated outside the state and the petitioner has not been a resident of Missouri for at least five years prior to filing the petition, such person may file a new petition at any time after residing in the state for the required five-year period. Beginning August 28, 2013, information regarding any person whose offense was committed in Missouri, or in any other state, when such person was under eighteen years of age shall be immediately removed from the highway patrol's website created under section 43.650 and any local law enforcement website allowed under section 589.402 regardless of whether such person has a petition granted under this subsection.

5. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

[5.] **6.** For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[6.] **7.** Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

[7.] **8.** Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

[8.] **9.** Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section

566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

[9.] **10.** (1) The court may grant such relief under subsection [7] **8** or [8] **9** of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

[10.] **11.** Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection [9] **10** of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection [9] **10** of this section.

[11.] **12.** Any person whose name is removed or exempted from the sexual offender registry under subsection [7] **8** or [8] **9** of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a [web page] **website** on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;

- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register;
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] **website** and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age."; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 301, Page 1, Section A, Line 2, by inserting after all of said line the following:

"217.738. 1. There is hereby established, within the department of corrections, a prisoner re-entry program to serve those male and female prisoners who have served their full sentences without early release and are locating upon release to a city not within a county.

2. Moneys for such program shall be appropriated to the department of corrections, which shall transfer the funds from its budget to the city of St. Louis's Department of Health and Human Services, which shall administer the fund. The city shall be responsible for the issuance of a request for proposals for re-entry services to organizations with demonstrated experience in providing re-entry services, including facilitating connections to providers of housing and employment services and physical health, mental health, substance abuse, and other social services. The city and the selected

contractor shall be jointly responsible to the department of corrections for ensuring that such services are provided, and they shall provide to the department all data and records necessary to oversee and measure the effectiveness of the program.

3. The director of the department of corrections is authorized to promulgate rules and regulations and to enter into such contracts as are necessary and proper for the implementation of the program.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for House Bill No. 301, Page 1, Section 217.738, Line 8, by inserting after “appropriated” the following: “, **subject to appropriations**,”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2** to **SA 4**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for House Bill No. 301, Page 1, Section 217.738, Lines 6-7, by striking “and are locating upon release to a city not within a county”.

Senator Schaaf moved that above amendment be adopted, which motion failed on a standing division vote.

SA 4, as amended, was taken up.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Romine moved that **SCS** for **HB 301**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **HB 301**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Wasson—28				

NAYS—Senators

Kraus Lager Lamping Schaaf—4

Absent—Senators

Rupp Walsh—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	LeVota	Libla	McKenna	Munzlinger	Nasheed
Parson	Pearce	Richard	Romine	Sater	Schaefer	Sifton	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Kraus Lager Lamping Nieves Schaaf Schmitt—6

Absent—Senators

Rupp Walsh—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 110**, with **SCS**, entitled:

An Act to repeal sections 21.110, 28.190, 29.280, 30.030, 30.060, 30.070, 30.080, 78.090, 105.030, 105.040, 105.050, 115.123, 115.365, 115.601, and 115.755, RSMo, and to enact in lieu thereof sixteen new sections relating to vacancies and time limits for certain offices, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Kraus.

SCS for **HCS** for **HB 110**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 110

An Act to repeal sections 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof four new sections relating to the selection of public officials, with an emergency clause for a certain section.

Was taken up.

Senator Kraus moved that **SCS** for **HCS** for **HB 110** be adopted.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 110, Page 1, Section 26.226, Line 13, by inserting after all of said line the following:

“115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person’s election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, [two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city] **members of the committee shall be elected from the districts of each state representative that are in any way contained in the county in the following manner: within six months after each legislative reapportionment, each portion of a legislative district contained in the county shall constitute a single committee district. Two men and two women shall be elected from each committee district formed from a legislative district that is wholly contained in the county as members of the committee, two men and two women shall be elected from each committee district formed from a legislative district that is predominantly contained in the county as members of the committee, and one man and one woman shall be elected from each committee district formed from a legislative district that is partially but not predominantly contained in the county as members of the committee.**

3. [In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4.] In each county of the first classification containing a portion, but not the major portion, of a city

which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

[5.] 4. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

[6.] 5. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

[7.] 6. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election.”; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 110, Page 1, Section 26.226, Lines 1-13, by striking all of said section from the bill and inserting in lieu thereof the following:

“26.226. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such election shall be held at the next general election. The candidates for the election shall be nominated and placed on the ballot in accordance with the provisions of sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant until such impeachment is determined. If acquitted, the lieutenant governor shall be reinstated in office. During any period of time when the office of lieutenant governor is vacant, the chief administrative assistant of the vacating lieutenant governor shall perform all ministerial duties during the period of such vacancy, provided however, that any duties of the lieutenant governor as president of the senate shall be performed by the president pro tempore of the senate during the period of such vacancy.”.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

Senator Schmitt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 110, Page 1, Section 26.226, Line 13, by inserting immediately after said line the following:

“115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. The governor shall not make any appointment, during the legislative interim, to the board of election commissioners in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Kraus moved that **SCS** for **HCS** for **HB 110**, as amended, be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **HCS** for **HB 110**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	Nasheed	Sifton	Walsh—8
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Absent—Senators

Rupp	Sater—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HB 1035**, as amended, and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HB 1035**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1035**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1035

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, with Senate Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 1035;

3. That the attached Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Kelley
/s/ Paul Curtman
/s/ Jay Swearingen

FOR THE SENATE:

/s/ Eric S. Schmitt
/s/ David Pearce
/s/ Bob Dixon
/s/ Ryan McKenna
/s/ Jason Holsman

Senator Schmitt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Emery—1

Absent—Senators

Nasheed Rupp—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schmitt, **CCS No. 2** for **SCS** for **HCS** for **HB 1035**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1035**

An Act to repeal sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with an emergency clause for certain sections and an existing penalty provision.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Emery—1

Absent—Senators

Nasheed Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Emery—1

Absent—Senators

Nasheed Rupp—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Dixon moved that **HCS** for **HB 215**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Dixon, the above amendment was withdrawn.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HB 215**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SS** for **SCS** for **HCS** for **HB 215**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp

Sater Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh
 Wasson—33

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 152, introduced by Representative Solon, et al, with **SCS**, entitled:

An Act to repeal sections 160.261, 162.215, and 210.115, RSMo, and to enact in lieu thereof four new sections relating to school officers.

Was called from the Informal Calendar and taken up by Senator Kraus.

SCS for **HB 152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 152

An Act to repeal section 162.215, RSMo, and to enact in lieu thereof two new sections relating to school officers.

Was taken up.

Senator Lager assumed the Chair.

Senator Kraus moved that **SCS** for **HB 152** be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **HB 152** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Keaveny—1

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Kehoe moved that **HCS** for **HBs 404** and **614**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 404** and **614** was again taken up.

At the request of Senator Rupp, **SS** for **SCS** for **HCS** for **HBs 404** and **614** was withdrawn.

SCS for **HCS** for **HBs 404** and **614** was again taken up.

Senator Kehoe moved that **SCS** for **HCS** for **HBs 404** and **614** be adopted, which motion failed.

HCS for **HBs 404** and **614** was again taken up.

Senator Kehoe offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill Nos. 404 and 614, Page 1, Section 287.067, Line 9, by inserting after “injury” the following: “**or death**”; and

Further amend said bill, Pages 2 to 6, Section 287.243, by striking all of said section from the bill and inserting in lieu thereof the following:

“287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014.”; and

Further amend the title and enacting clause accordingly.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kehoe, **HCS** for **HBs 404** and **614**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 349**, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to license plates for property-carrying commercial motor vehicles.

Was called from the Informal Calendar and taken up by Senator Kehoe.

On motion of Senator Kehoe, **HCS** for **HB 349** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Sifton—1

Absent—Senators

Dempsey Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Parson, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 342**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 342

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 342, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3, 4, 5, 6 and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 342, as amended;
2. That the Senate recede from its position on Senate Bill No. 342;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael L. Parson
/s/ Michael Kehoe
/s/ Mike Cunningham
Ryan McKenna
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Casey Guernsey
/s/ Joe Don McGaugh
/s/ Chris Kelly

Senator Parson moved that the above conference committee report be adopted, which motion failed by the following vote:

YEAS—Senators

Brown	Cunningham	Dixon	Kehoe	LeVota	Libla	Munzlinger	Nieves
Parson	Pearce	Richard	Romine	Sater	Schaefer	Wallingford	Wasson—16

NAYS—Senators

Chappelle-Nadal	Curls	Emery	Holsman	Justus	Keaveny	Kraus	Lager
Lamping	McKenna	Nasheed	Schaaf	Schmitt	Sifton	Silvey	Walsh—16

Absent—Senators

Dempsey	Rupp—2
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Absent with leave—Senators—None

Vacancies—None

Senator Curls, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 224**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 224**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 224, with House Amendment Nos. 1, 2, 3, and 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment Nos. 6, 7 and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 224, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 224;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ S. Kiki Curls
/s/ Ryan Silvey
/s/ Wayne Wallingford
/s/ David Pearce
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Noel Torpey
/s/ John McCaherty
/s/ John Rizzo

Senator Curls moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dixon	Holsman	Justus	Keaveny	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Schaaf	Schaefer	Schmitt	Sifton	Silvey
Wallingford	Walsh	Wasson—27					

NAYS—Senators

Brown	Cunningham	Emery—3
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Absent—Senators

Dempsey	Nasheed	Rupp	Sater—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Curls, **CCS** for **SCS** for **SB 224**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 224

An Act to repeal sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, and 568.040, RSMo, and to enact in lieu thereof nine new sections relating to public safety.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Emery—1

Absent—Senators

Dempsey	Nasheed	Rupp—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Keaveny, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 100**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 100

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 100, with House Amendment Nos. 1, 3, 4, 5, 6 and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 100, as amended;
2. That the Senate recede from its position on Senate Bill No. 100;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 100 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Joseph P. Keaveny
/s/ Bob Dixon
/s/ Kurt Schaefer
/s/ Eric S. Schmitt
/s/ Jolie L. Justus

FOR THE HOUSE:

Stanley Cox
/s/ Kevin Elmer
/s/ Chris Kelly

Senator Keaveny moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senator Cunningham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Kehoe assumed the Chair.

On motion of Senator Keaveny, **CCS** for **HCS** for **SB 100**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 100

An Act to repeal sections 32.056, 43.518, 432.047, 443.723, 452.400, 453.030, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.426, 488.2250, 488.5320, 513.430, and 514.040, RSMo, and to enact in lieu thereof eighteen new sections relating to judicial procedures, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senator Cunningham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 12**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 12

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 12, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 9 and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 12, as amended;
2. That the Senate recede from its position on Senate Bill No. 12;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 12 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Bob Dixon

/s/ Eric S. Schmitt

Jolie Justus

Joseph Keaveny

FOR THE HOUSE:

/s/ Caleb Jones

/s/ Elijah Haahr

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted.

At the request of Senator Schaefer, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 117** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 117**.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber.

PRIVILEGED MOTIONS

Senator Wasson, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 117** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 117**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 117, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 117;
2. That the House recede from its position on House Committee Substitute for House Bill No. 117;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 117, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tony Dugger

/s/ Sandy Crawford

/s/ Pat Conway

FOR THE SENATE:

/s/ Jay Wasson

/s/ Mike Cunningham

/s/ Bob Dixon

/s/ Joseph P. Keaveny

/s/ Paul LeVota

Senator Pearce assumed the Chair.

Senator Wasson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Nieves Rupp—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wasson, **CCS** for **SS** for **SCS** for **HCS** for **HB 117**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 117

An Act to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions and a delayed effective date.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HB 336**, as amended, and has taken up and passed **CCS** for **SS** for **HB 336**.

PRIVILEGED MOTIONS

Senator Silvey, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 336**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE BILL NO. 336

The Conference Committee appointed on Senate Substitute for House Bill No. 336, with Senate Amendment Nos. 1 & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 336, as amended;
2. That the House recede from its position on House Bill No. 336;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 336, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dave Hinson

/s/ Lincoln Hough

/s/ Genise Montecillo

FOR THE SENATE:

/s/ Ryan Silvey

/s/ Eric Schmitt

/s/ Michael Kehoe

/s/ Jolie L. Justus

/s/ Jason Holsman

Senator Silvey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Holsman	Justus	Rupp—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Silvey, **CCS** for **SS** for **HB 336**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 336

An Act to repeal sections 84.480, 84.510, 84.830, 86.200, 86.257, 86.263, 99.845, 190.100, 321.015, 321.210, and 321.322, RSMo, and to enact in lieu thereof thirteen new sections relating to emergency services.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Justus Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HBs 256, 33** and **305**, as amended, and has taken up and passed **CCS** for **HCS** for **HBs 256, 33** and **305**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Kehoe, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HBs 256, 33** and **305**, as amended, moved that the following conference committee

report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 256, 33, & 305

The Conference Committee appointed on House Committee Substitute for House Bill Nos. 256, 33, & 305, with Senate Amendment Nos. 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill Nos. 256, 33, & 305, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 256, 33, & 305;
3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill Nos. 256, 33, & 305 be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Kevin Elmer
/s/ Bill Otto

FOR THE SENATE:

/s/ Michael Kehoe
/s/ Brian Munzlinger
/s/ Jay Wasson
/s/ Jolie L. Justus
/s/ Joseph P. Keaveny

Senator Kehoe moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Kehoe, **CCS** for **HCS** for **HBs 256, 33 and 305**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 256, 33, & 305

An Act to repeal sections 610.021 and 610.150, RSMo, and to enact in lieu thereof three new sections

relating to public safety, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 103**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 103**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Munzlinger, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 103**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 103

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 103, with Senate Amendment Nos. 1, 2, 5, and Senate Substitute Amendment No. 1 for Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 103, as amended;
2. That the House recede from its position on House Bill 103;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 103, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Kelley
/s/ Todd Richardson
/s/ John Rizzo

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ Michael Kehoe
/s/ Doug Libla
/s/ Paul LeVota
/s/ Jolie Justus

Senator Munzlinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

Senator Kehoe assumed the Chair.

On motion of Senator Munzlinger, **CCS** for **SCS** for **HB 103**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 103

An Act to repeal sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.302, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, 407.300, and 544.157, RSMo, and to enact in lieu thereof thirty-two new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HBs 374** and **434**.

PRIVILEGED MOTIONS

Senator Dixon, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 374 & 434

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, with Senate Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 374 & 434;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 & 434, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Kevin Elmer
/s/ Stan Cox
/s/ Mike Colona

FOR THE SENATE:

/s/ Bob Dixon
/s/ Eric Schmitt
/s/ Ed Emery
/s/ Jolie L. Justus
/s/ Joseph P. Keaveny

Senator Dixon moved that the above conference committee report be adopted, which motion prevailed

by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, **CCS** for **SS** for **SCS** for **HCS** for **HBs 374 and 434**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 374 & 434

An Act to repeal sections 32.056, 43.518, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.426, 488.2250, 488.5320, 513.430, 514.040, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-two new sections relating to judicial procedures, with an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Photographers from Missouri Lawyers Weekly were given permission to take pictures in the Senate Chamber.

HOUSE BILLS ON THIRD READING

HCS for **HB 320**, entitled:

An Act to repeal sections 213.010 and 213.111, RSMo, and to enact in lieu thereof three new sections relating to unlawful discriminatory practices.

Was called from the Informal Calendar and taken up by Senator Lager.

Senator Justus offered **SS** for **HCS** for **HB 320**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 320

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to unlawful discriminatory practices.

Senator Justus moved that **SS** for **HCS** for **HB 320** be adopted.

At the request of Senator Lager, **HCS** for **HB 320**, with **SS** (pending), was placed on the Informal Calendar.

HCS for **HB 505**, with **SCS**, entitled:

An Act to repeal sections 160.261, 210.115, 556.061, 568.060, and 595.220, RSMo, and to enact in lieu thereof five new sections relating to child abuse and neglect, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Dixon.

SCS for **HCS** for **HB 505**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 505

An Act to repeal sections 37.710, 160.261, 160.262, 162.068, 162.069, 210.115, 556.061, 568.060, and 595.220, RSMo, and to enact in lieu thereof nine new sections relating to child abuse and neglect, with penalty provisions and an emergency clause.

Was taken up.

Senator Dixon moved that **SCS** for **HCS** for **HB 505** be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **HCS** for **HB 505** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Photographers from the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber.

HCS for **HB 675**, entitled:

An Act to amend chapters 161 and 167, RSMo, by adding thereto ten new sections relating to the management of diabetes in elementary and secondary schools.

Was called from the Informal Calendar and taken up by Senator Pearce.

On motion of Senator Pearce, **HCS** for **HB 675** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 278, introduced by Representative Brattin, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to federal holidays.

Was called from the Informal Calendar and taken up by Senator Emery.

On motion of Senator Emery, **HB 278** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves
Parson	Pearce	Richard	Romine	Sater	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Nasheed Schaaf—2

Absent—Senators

Curls Justus Keaveny Rupp—4

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

PRIVILEGED MOTIONS

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **SB 114**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 114

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 114;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 114 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Eric S. Schmitt
Kurt Schaefer
/s/ Michael L. Parson
/s/ Ryan McKenna
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Caleb Jones
/s/ Todd Richardson
/s/ Jacob Hummel

Senator Schmitt moved that the above conference committee report be adopted.

Senator Kehoe assumed the Chair.

Senator Schaaf raised the point of order that the **CCR** on **SS** for **SCS** for **SB 114**, as amended, is out of order as it exceeds the differences between the Houses.

The point of order was referred to the President Pro Tem who took it under advisement.

Senator Munzlinger, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 51**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 51

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 51, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 51, as amended;
2. That the Senate recede from its position on Senate Bill No. 51;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger
/s/ Michael Kehoe
/s/ Doug Libla
Ryan McKenna
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Casey Guernsey
/s/ Lyndall Fraker
/s/ Courtney Allen Curtis

Senator Munzlinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus	Keaveny
Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Brown Kraus—2

Absent—Senators

Dempsey Rupp—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, **CCS** for **HCS** for **SB 51**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 51

An Act to repeal sections 34.040, 64.196, 135.710, 136.055, 137.010, section 301.140 as enacted by

conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568 merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, 301.301, 301.449, 302.132, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.154, 304.180, 304.820, and 307.400, RSMo, and to enact in lieu thereof twenty new sections relating to regulation of motor vehicles, with existing penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Brown Kraus—2

Absent—SenatorRupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Kraus Nieves—2

Absent—Senators

Dempsey Rupp—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 210**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the common core state standards initiative, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Lamping moved that **SB 210**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 210** was taken up.

President Kinder assumed the Chair.

Senator Lamping moved that **HCS** for **SB 210** be adopted.

Senator Lamping withdrew the above motion which placed the bill back on the Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SJR 14**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 14, Page 1, Section 23, Line 4, by inserting after the period on said line, “.”, the following:

“The right of every citizen to possess, purchase, reload, or manufacture ammunition and to possess, purchase, or manufacture mechanical parts or other articles essential to the proper functioning of arms shall not be infringed or the amounts limited.”; and

Further amend said bill, page, and section, Line 7, by inserting after the period, “.”, on said line, the following:

“Nothing in this section shall be construed to invalidate acts of the General Assembly, which create criminal penalties for the unlawful use of firearms.”; and

Further amend said resolution, Page 2, Section B, Lines 5-8, by deleting all of said lines and inserting in lieu thereof, the following:

“Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is a unalienable right, that the state government is obligated to uphold that right, and that every citizen is guaranteed the right to possess, purchase, and manufacture firearms, parts, and ammunition?”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Schaefer moved that **SCS** for **SJR 14**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Schaefer moved that the above amendment be adopted.

At the request of Senator Schaefer, the above motion was withdrawn.

Senator Schaefer moved that the Senate refuse to concur in **HA 1** to **SCS** for **SJR 14** and request the House to recede from its position and take up and pass **SCS** for **SJR 14**.

At the request of Senator Schaefer, the above motion was withdrawn which placed the joint resolution back on the Calendar.

At the request of Senator Schaaf, the pending point of order on the **CCR** on **SS** for **SCS** for **SB 114**, as amended, was withdrawn which brought the bill back before the body.

The motion to adopt the **CCR** on **SS** for **SCS** for **SB 114**, as amended, was again taken up.

Under the provisions of Senate Rule 91, Senator Sifton was excused from voting on the conference committee report, **CCS** for **SS** for **SCS** for **SB 114**, as amended, and the emergency clause.

At the request of Senator Schmitt, the motion to adopt the **CCR** on **SS** for **SCS** for **SB 114**, as amended, was withdrawn.

HOUSE BILLS ON THIRD READING

HCS for **HB 28**, with **SCS**, entitled:

An Act to repeal sections 44.080 and 49.266, RSMo, and to enact in lieu thereof two new sections relating to natural disaster ordinances, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Wallingford.

SCS for **HCS** for **HB 28**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 28

An Act to repeal section 49.266, RSMo, and to enact in lieu thereof one new section relating to natural disaster ordinances, with penalty provisions.

Was taken up.

Senator Wallingford moved that **SCS** for **HCS** for **HB 28** be adopted.

Senator Lager offered **SS** for **SCS** for **HCS** for **HB 28**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 28

An Act to repeal sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the environment, with penalty provisions and an emergency clause for certain sections.

Senator Lager moved that **SS** for **SCS** for **HCS** for **HB 28** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SS** for **SCS** for **HCS** for **HB 28** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Kraus Nieves—2

Absent—Senators

Curls Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Kraus Nieves—2

Absent—Senators

Curls Rupp—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HB 76**, with **SCS**, entitled:

An Act to repeal sections 161.209 and 163.410, RSMo, and to enact in lieu thereof two new sections relating to Missouri school improvement program standards.

Was called from the Informal Calendar and taken up by Senator Pearce.

President Pro Tem Dempsey assumed the Chair.

SCS for **HCS** for **HB 76**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 76

An Act to repeal sections 161.209, 162.081, 162.083, and 163.410, RSMo, and to enact in lieu thereof five new sections relating to school accreditation, with an emergency clause for certain sections.

Was taken up.

Senator Pearce moved that **SCS** for **HCS** for **HB 76** be adopted.

At the request of Senator Pearce, **HCS** for **HB 76**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Lager moved that **HB 432**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Holsman, the above amendment was withdrawn.

Senator Lager moved that **SCS** for **HB 432** be adopted, which motion failed.

On motion of Senator Lager, **HB 432** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Lager moved that **HCS** for **HB 320**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HB 320** was again taken up.

Senator Justus moved that **SS** for **HCS** for **HB 320** be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **HCS** for **HB 320** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dempsey	Holsman	Justus	Keaveny	Kehoe	LeVota
McKenna	Nasheed	Parson	Pearce	Romine	Sater	Schaaf	Sifton
Silvey	Wallingford	Walsh—19					

NAYS—Senators

Brown	Cunningham	Emery	Kraus	Lager	Lamping	Libla	Munzlinger
Nieves	Richard	Wasson—11					

Absent—Senators

Dixon	Rupp	Schaefer	Schmitt—4
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Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schaaf moved that the vote by which the **CCR** on **HCS** for **SB 342**, as amended, was defeated be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Rupp	Schaefer	Schmitt—3
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Absent with leave—Senators—None

Vacancies—None

Senator Parson moved that the **CCR** for **HCS** for **SB 342**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Nieves	Rupp—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Parson, **CCS** for **HCS** for **SB 342**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 342

An Act to repeal sections 64.196, 135.305, 142.800, 348.521, 442.571, and 442.576, RSMo, and to enact

in lieu thereof ten new sections relating to agriculture.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Emery Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Having voted on the prevailing side, Senator Lager moved that the vote by which **HCS for SS for SB 282**, as amended, failed of adoption be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senator Emery—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

HCS for SS for SB 282, as amended, was again taken up.

Senator Wasson moved that **HCS for SS for SB 282**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Keaveny
Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed

Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Emery	Kraus	Nieves—3
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Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wasson, **HCS** for **SS** for **SB 282**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Keaveny
Kehoe	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Emery	Kraus	Nieves—3
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Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

At the request of Senator Dixon, **HCS** for **HBs 373** and **435**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **HCS** for **HB 257** was placed on the Informal Calendar.

HB 702, introduced by Representative Englund, et al, entitled:

An Act to repeal sections 447.559 and 447.560, RSMo, and to enact in lieu thereof two new sections relating to the sale of unclaimed military medals, with a penalty provision.

Was taken up by Senator Brown.

On motion of Senator Brown, **HB 702** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 715, introduced by Representative McCaherty, entitled:

An Act to repeal section 307.075, RSMo, and to enact in lieu thereof one new section relating to motorcycle brake lights.

Was taken up by Senator Nieves.

On motion of Senator Nieves, **HB 715** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nieves, title to the bill was agreed to.

Senator Nieves moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 17, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 60 entitled:

AN ACT

To repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

I disapprove of Senate Bill No. 60. My reasons for disapproval are as follows:

Senate Bill No. 60 is duplicative of House Bill No. 133 which was truly agreed to and finally passed on April 29, 2013. While the language in both Senate Bill No. 60 and House Bill No. 133 is substantially similar, it is not identical. In addition to several non-substantive differences between the two bills, Senate Bill No. 60 omits an intrasectional reference that is contained in current law. Because of their similarities, it is unnecessary to approve both Senate Bill No. 60 and House Bill No. 133 and, due to the aforementioned drafting issues, I am not approving Senate Bill No. 60. House Bill No. 133 will provide the opportunity to enact this legislation after presentment is made in accordance with the Missouri Constitution.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 60 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 17, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 59 entitled:

AN ACT

To repeal sections 375.772, 375.775, 375.776, and 376.717, RSMo, and to enact in lieu thereof four new sections relating to the regulation of insurance guaranty associations.

On May 17, 2013, I approved said Senate Bill No. 59.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 17, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 234 entitled:

AN ACT

To repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

On May 17, 2013, I approved said Senate Bill No. 234.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 17, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 235 entitled:

AN ACT

To repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan reporting.

On May 17, 2013, I approved said Senate Bill No. 235.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 17, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 237 entitled:

AN ACT

To repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

On May 17, 2013, I approved said Senate Bill No. 237.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **SB 33**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 33**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 157** and **SB 102**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 157** and **SB 102**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SB 330**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SB 330**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 327**, as amended, and has taken up and passed **CCS** for **SB 327**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 262**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 262**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 17**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 17**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 9**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 9**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 43**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 43**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 42**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 42**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 161**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 161**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 127**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 127**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **SB 248**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 248**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 256**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 256**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 73**, as amended, and has taken up and passed **HCS** for **SB 73**, as amended by the **CCR**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 351** and has taken up and passed **SCS** for **HCS** for **HB 351**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 58** and has taken up and passed **SS** for **HCS** for **HB 58**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 322** and has taken up and passed **SCS** for **HB 322**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 533** and has taken up and passed **SCS** for **HB 533**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **SCS** for **HB 142** and has taken up and passed **SS** for **SCS** for **HB 142**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 345** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 345**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 196** and has taken up and passed **SCS** for **HB 196**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 428** and has taken up and passed **SS** for **SCS** for **HB 428**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 148** and has taken up and passed **SCS** for **HB 148**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 175** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 175**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 611** and has taken up and passed **SCS** for **HCS** for **HB 611**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HJR 16** and has taken up and passed **SCS** for **HJR 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** to **HB 128** and has taken up and passed **HB 128**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 722** and has taken up and passed **SCS** for **HCS** for **HB 722**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCR 15**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 170**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 258**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 121**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

adopted **SCS**, as amended, for **HCS** for **HB 986** and has taken up and passed **SCS** for **HCS** for **HB 986**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **SCS** for **HCS** for **HB 215** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 215**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 184** and has taken up and passed **SS** for **HB 184**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 301** and has taken up and passed **SCS** for **HB 301**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 152** and has taken up and passed **SCS** for **HB 152**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCR 25** and has taken up and passed **SS** for **HCR 25**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 505** and has taken up and passed **SCS** for **HCS** for **HB 505**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 224**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 224**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 100**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 100**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 51**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 51**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 342**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 342**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2**, as amended, for **SCS** for **HB 116** and has taken up and passed **SS No. 2** for **SCS** for **HB 116**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended, for **HCS** for **HB 110** and has taken up and passed **SCS** for **HCS** for **HB 110**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HA 1** and taken up and passed **SB 77**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended for **SCS** for **HCS** for **HB 28** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 28**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HBs 404** and **614** and has taken up and passed **HCS** for **HBs 404** and **614**, as amended.

RESOLUTIONS

Senator Sifton offered Senate Resolution No. 1037, regarding Brian Michael Fahrner, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1038, regarding Dina Arnold, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1039, regarding Corrections Officer I Jeremy Oberhaus, Louisiana, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1040, regarding Douglas Hawkins, Macon, which

was adopted.

Senator Munzlinger offered Senate Resolution No. 1041, regarding Mary Besgrove, Macon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1042, regarding James R. Weimer, Macon, which was adopted.

Senator Cunningham offered Senate Resolution No. 1043, regarding the death of United States Army Specialist Charles P. McClure, which was adopted.

Senator Nieves offered Senate Resolution No. 1044, regarding the United States Department of Veterans Affairs Community Based Outreach Clinic, Washington, which was adopted.

Senator Nieves offered Senate Resolution No. 1045, regarding AT&T Pioneers, Lindbergh Council of the Missouri Chapter, which was adopted.

Senator Pearce offered Senate Resolution No. 1046, regarding Kenneth H. Hoemann, which was adopted.

Senator Pearce offered Senate Resolution No. 1047, regarding Janice Smith, Warrensburg, which was adopted.

On motion of Senator Richard, the Senate adjourned until 12:00 noon, Wednesday, May 22, 2013.

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY—WEDNESDAY, MAY 22, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **CCS No. 2** for **HCS** for **SCS** for **SB 9**; **SS** for **SCS** for **SB 29**; **CCS** for **SCS** for **SB 33**; **CCS** for **HCS** for **SS** for **SB 34**; **SB 35**; **CCS** for **SCS** for **SB 36**; **CCS** for **HCS** for **SCS** for **SB 42**; **SCS** for **SB 47**; **SB 58**; **SCS** for **SB 69**; **SB 72**; **HCS** for **SB 73**; **SB 77**; **HCS** for **SCS** for **SB 89**; **CCS** for **HCS** for **SB 100**; **CCS** for **SCS** for **SB 106**; **HCS** for **SB 110**; **HCS** for **SS** for **SCS** for **SB 116**; **CCS** for **HCS** for **SCS** for **SB 117**; **HCS** for **SCS** for **SB 118**; **SS** for **SCS** for **SB 121**; **SS** for **SCS** for **SB 125**; **SCS** for **SB 126**; **CCS** for **HCS** for **SB 127**; **SS** for **SCS** for **SB 129**; **HCS** for **SB 148**; **CCS** for **HCS** for **SCS** for **SB 157** and **SB 102**; **SS** for **SCS** for **SB 159**; **CCS** for **HCS** for **SB 161**; **SB 170**; **HCS** for **SCS** for **SB 186**; **SB 197**; **HCS** for **SB 205**; **SB 208**; **SB 216**; **CCS** for **SCS** for **SB 224**; **HCS** for **SCS** for **SB 229**; **SB 230**; **SB 236**; **CCS** for **SCS** for **SB 248**; **SS** for **SB 251**; **HCS** for **SS** for **SB 252**; **SCS** for **SB 254**; **CCS** for **HCS** for **SCS** for **SB 256**; **SB 257**; **SCS** for **SB 258**; **SB 265**; **SS** for **SB 267**; **HCS** for **SS** for **SB 282**; **CCS** for **SB 327**; **CCS No. 2** for **HCS** for **SB 330**; **CCS** for **HCS** for **SB 342**; **SS** for **SB 357**; and **SCS** for **SB 381**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS No. 2** for **HCS** for **SCS** for **SB 9**; **SS** for **SB 28**; **SS** for **SCS** for **SB 29**; **CCS** for **SCS** for **SB 33**; **CCS** for **HCS** for **SS** for **SB 34**; **SB 35**; **CCS** for **SCS** for **SB 36**; **CCS** for **HCS** for **SCS** for **SB 42**; **SCS** for **SB 47**; **SB 58**; **SCS** for **SB 69**; **SB 72**; **HCS** for **SB 73**; **SB 77**; **HCS** for **SCS** for **SB 89**; **CCS** for **HCS** for **SB 100**; **CCS** for **SCS** for **SB 106**; **HCS** for **SB 110**; **HCS** for **SS** for **SCS** for **SB 116**; **CCS** for **HCS** for **SCS** for **SB 117**; **HCS** for **SCS** for **SB 118**; **SS** for **SCS** for **SB 121**; **SS** for **SCS** for **SB 125**; **SCS** for **SB 126**; **CCS** for **HCS** for **SB 127**; **SS** for **SCS** for **SB 129**; **HCS** for **SB 148**; **CCS** for **HCS** for **SCS** for **SB 157** and **SB 102**; **SS** for **SCS** for **SB 159**; **CCS** for **HCS** for **SB 161**; **SB 170**; **HCS** for **SCS** for **SB 186**; **HCS** for **SB 188**; **SB 197**; **HCS** for **SB 205**; **SB 208**; **SB 216**; **CCS** for **SCS** for **SB 224**; **HCS** for **SCS** for **SB 229**; **SB 230**; **SB 236**;

CCS for SCS for **SB 248**; SS for **SB 251**; HCS for SS for **SB 252**; SCS for **SB 254**; CCS for HCS for SCS for **SB 256**; **SB 257**; SCS for **SB 258**; **SB 265**; SS for **SB 267**; HCS for SS for **SB 282**; CCS for **SB 327**; **CCS No. 2** for HCS for **SB 330**; CCS for HCS for **SB 342**; SS for **SB 357**; and SCS for **SB 381**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **CCS No. 2** for SS for HCS for **HJR 11** and **7**; SCS for **HJR 16**; SCS for HCS for **HB 1**; CCS for SCS for HCS for **HB 3**; CCS for SCS for HCS for **HB 4**; CCS for SCS for HCS for **HB 5**; CCS for SCS for HCS for **HB 6**; CCS for SCS for HCS for **HB 7**; CCS for SCS for HCS for **HB 8**; CCS for SCS for HCS for **HB 9**; CCS for SCS for HCS for **HB 10**; CCS for SCS for HCS for **HB 12**; SCS for HCS for **HB 13**; SCS for HCS for **HB 17**; SCS for **HB 18**; SS for SCS for HCS for **HB 19**; SS for SCS for HCS for **HB 28**; SS **No. 2** for **HB 34**; SS for HCS for **HB 58**; **HB 68**; CCS for SS for SCS for HCS for **HB 117**; **HB 133**; SS for SCS for **HB 142**; SCS for **HB 148**; HCS for **HB 159**; SS for SCS for HCS for **HB 175**; SCS for **HB 196**; **HB 212**; SCS for HCS for **HB 233**; HCS for **HB 235**; **HB 278**; SCS for **HB 301**; SCS for HCS for **HBs 303** and **304**; CCS for SS for SCS for **HB 307**; SS for HCS for **HB 315**; **HB 316**; SCS for **HB 329**; SS for **HB 331**; CCS for SS for **HB 336**; **HB 339**; SS for SCS for HCS for **HB 345**; HCS for **HB 349**; **HB 400**; HCS for **HB 418**; SS for SCS for **HB 428**; **HB 432**; SCS for HCS for **HB 436**; HCS for **HBs 446** and **211**; **HB 451**; **HB 478**; SCS for **HB 498**; **HB 510**; SS for SCS for **HB 542**; HCS for **HB 656**; **HB 673**; HCS for **HB 675**; **HB 702**; **HB 715**; and SCS for HCS for **HB 722**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the joint resolutions and bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Justus submitted the following:

Mr. President,

I object to the signing of the CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2 for the following reason:

While no motion was made and adopted to allow the HB 2 conference committee to exceed the differences with regard to any provision of HB 2, there is no question that the CCS/SCS/HCS/HB 2 exceeds the differences between the two chambers' versions of the act.

Specifically:

HB 2, Section 2.015 Early Childhood Special Education:

Both House and Senate versions derive funding for Section 2.015 from the State Schools Money Fund; the CCS version utilizes the Missouri Senior Protection Fund (which does not exist) in order to fund Section 2.015.

HB 2, Section 2.175 First Steps:

Both House and Senate versions derive funding for Section 2.175 from General Revenue; the CCS version utilizes the Missouri Senior Protection Fund (which does not exist) in order to fund Section 2.175.

While neither the Rules of the Missouri Senate nor the Missouri Constitution contain any provision relating to conference committees exceeding the differences, however, Rule 97 of the Rules of the Missouri Senate provides, "In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual..."

Rule XXVIII of the U.S. Senate Rule provides as follows,

1...

(b) If matter which was agreed to by both Houses is stricken from the bill a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

(c) If new matter is inserted in the report, a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

3. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees-

(1) it shall be in order for the conferees to report a substitute on the same subject matter;

(2) the conferees may not include in the report matter not committed to them by either House; and

(3) the conferees may include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subparagraph (a), a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

4. (a) A Senator may raise a point of order that one or more provisions of a conference report violates paragraph 2 or paragraph 3, as the case may be. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order.

(b) If the Presiding Officer sustains the point of order as to any of the provisions against which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of-

(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

(2) the question in clause (1) shall be decided under the same debate limitation as the conference report; and

(3) no further amendment shall be in order.

According to Jefferson's Manual, "The conferees may argue in support of what is done in their House, but not against it, *nor assent to any new thing there propounded*, till their House be informed and agree to it." Sec. XL VI

Furthermore, as stated by Riddick:

Conferees may not add new matter not committed to them in a conference by either House; a conference report may not include new "matter entirely irrelevant to the subject matter" not contained in the House or Senate-passed versions of a measure as distinct from a substitute therefor... If conferees exceed their authority with respect to any matter, the report of the conferees is subject to a point of order.

Riddick, Page 484.

Because the CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2 exceeds the differences without leave of the body, I hereby object to the signing of this conference committee substitute and request that this objection be printed in the Journal of the Senate and accompany the bill when the bill is so signed and delivered to the Governor.

Very Best Regards,
/s/ Jolie Justus
Senator Jolie Justus
10th District

Also,

Mr. President,

I object to the signing of the CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11 for the following reason:

While no motion was made and adopted to allow the HB 11 conference committee to exceed the differences with regard to any provision of HB 11, there is no question that the CCS/SCS/HCS/HB 11 exceeds the differences between the two chambers' versions of the act.

Specifically:

HB 11, Section 11.520: Federally Qualified Health Care Clinics:

Both House and Senate versions of HB 11 utilize funding from General Revenue in order to fund Section 11.520; the CCS version utilizes the Missouri Senior Protection Fund (which does not exist) in order to fund Section 11.520.

While neither the Rules of the Missouri Senate nor the Missouri Constitution contain any provision relating to conference committees exceeding the differences, however, Rule 97 of the Rules of the Missouri Senate provides, "In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual..."

Rule XXVIII of the U.S. Senate Rule provides as follows,

1...

(b) If matter which was agreed to by both Houses is stricken from the bill a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

(c) If new matter is inserted in the report, a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

3. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees-

(1) it shall be in order for the conferees to report a substitute on the same subject matter;

(2) the conferees may not include in the report matter not committed to them by either House; and

(3) the conferees may include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subparagraph (a), a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4.

4. (a) A Senator may raise a point of order that one or more provisions of a conference report violates paragraph 2 or paragraph 3, as the case may be. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order.

(b) If the Presiding Officer sustains the point of order as to any of the provisions against which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of-

(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

(2) the question in clause (1) shall be decided under the same debate limitation as the conference report; and

(3) no further amendment shall be in order.

According to Jefferson's Manual, "The conferees may argue in support of what is done in their House, but not against it, *nor assent to any new thing there propounded*, till their House be informed and agree to it." Sec. XL VI

Furthermore, as stated by Riddick:

Conferees may not add new matter not committed to them in a conference by either House; a conference report may not include new "matter entirely irrelevant to the subject matter" not contained in the House or Senate-passed versions of a measure as distinct from a substitute therefor...If conferees exceed their authority with respect to any matter, the report of the conferees is subject to a point of order.

Riddick, Page 484.

Because the CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11 exceeds the differences without leave of the body, I hereby object to the signing of this conference committee substitute and request that this objection be printed in the Journal of the Senate and accompany the bill when the bill is so signed

and delivered to the Governor.

Very Best Regards,
/s/ Jolie Justus
Senator Jolie Justus
10th District

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for SCS for HCS for HB 2** and **CCS for SCS for HCS for HB 11**, having passed both branches of the General Assembly, would be read at length by the Secretary, and, the objections notwithstanding, the bills would be signed by the President Pro Tem to the end that they may become law. The bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS No. 2 for HCS for SCS for SB 9; SS for SB 28; SS for SCS for SB 29; CCS for SCS for SB 33; CCS for HCS for SS for SB 34; SB 35; CCS for SCS for SB 36; CCS for HCS for SCS for SB 42; SCS for SB 47; SB 58; SCS for SB 69; SB 72; HCS for SB 73; SB 77; HCS for SCS for SB 89; CCS for HCS for SB 100; CCS for SCS for SB 106; HCS for SB 110; HCS for SS for SCS for SB 116; CCS for HCS for SCS for SB 117; HCS for SCS for SB 118; SS for SCS for SB 121; SS for SCS for SB 125; SCS for SB 126; CCS for HCS for SB 127; SS for SCS for SB 129; HCS for SB 148; CCS for HCS for SCS for SB 157 and SB 102; SS for SCS for SB 159; CCS for HCS for SB 161; SB 170; HCS for SCS for SB 186; HCS for SB 188; SB 197; HCS for SB 205; SB 208; SB 216; CCS for SCS for SB 224; HCS for SCS for SB 229; SB 230; SB 236; CCS for SCS for SB 248; SS for SB 251; HCS for SS for SB 252; SCS for SB 254; CCS for HCS for SCS for SB 256; SB 257; SCS for SB 258; SB 265; SS for SB 267; HCS for SS for SB 282; CCS for SB 327; CCS No. 2 for HCS for SB 330; CCS for HCS for SB 342; SS for SB 357; and SCS for SB 381, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

May 22, 2013

The Honorable Bob Dixon, Chairman
Standing Committee on the Judiciary and Civil and Criminal Jurisprudence
State Capitol, Room 332
Jefferson City, MO 65101

Dear Senator Dixon:

Please be advised that, pursuant to Senate Rule 31, the Standing Committee on the Judiciary and Civil and Criminal Jurisprudence is authorized to meet during the interim of the First Regular Session and the Second Regular Session of the 97th General Assembly to consider the following:

1. Revision of the Missouri Criminal Code.
2. Organization of the State Judiciary, including judicial resources, and the justice system.
3. State Public Defender system.
4. Comprehensive review of court costs, fees, miscellaneous charges and surcharges.

The actual and necessary expenses of the Committee shall be paid in accordance with the stipulations outlined in Senate Rule 31.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey

RESOLUTIONS

On behalf of Senator McKenna, Senator Dempsey offered Senate Resolution No. 1048, regarding Ronald Navratil, Crystal City, which was adopted.

On motion of Senator Dempsey, the Senate adjourned until 9:00 a.m., Thursday, May 30, 2013.

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY—THURSDAY, MAY 30, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **CCS for HCS for SS No. 2 for SCS for SB 1; CCS for HCS for SCS for SB 17; CCS for HCS for SB 23; CCS for HCS for SB 43; CCS for HCS for SB 51; HCS for SB 75; HCS for SB 99; SCS for SB 240; and CCS for HCS for SS for SB 262**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for HCS for SS No. 2 for SCS for SB 1; CCS for HCS for SCS for SB 17; CCS for HCS for SB 23; CCS for HCS for SB 43; CCS for HCS for SB 51; HCS for SB 75; HCS for SB 99; SCS for SB 240; and CCS for HCS for SS for SB 262**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **CCS for SCS for HB 103; SCS for HCS for HB 110; SS No. 2 for SCS for HB 116; HCS for HB 128; SCS for HB 152; SS for HB 184; SS for SCS for HCS for HB 215; SS for HB 253; CCS for HCS for HBs 256, 33 and 305; SCS for HB 322; SCS for HCS for HB 351; CCS for SS for SCS for HCS for HBs 374 and 434; HCS for HBs 404 and 614; SCS for HCS for HB 505; SCS for HB 533; SCS for HCS for HB 611; SS for SCS for HB 650; SCS for HCS for HB 986; and CCS No. 2 for SCS for HCS for HB 1035**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made,

the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for HCS for SS No. 2 for SCS for SB 1; CCS for HCS for SCS for SB 17; CCS for HCS for SB 23; CCS for HCS for SB 43; CCS for HCS for SB 51; HCS for SB 75; HCS for SB 99; SCS for SB 240; and CCS for HCS for SS for SB 262, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

On behalf of Senator Libla, Senator Dempsey offered Senate Resolution No. 1049, regarding Charles and Peggy Walker, Cardwell, which was adopted.

On behalf of Senator McKenna, Senator Dempsey offered Senate Resolution No. 1050, regarding Garrett S. McDowell, which was adopted.

On behalf of Senator Emery, Senator Dempsey offered Senate Resolution No. 1051, regarding the One Hundredth Anniversary of the Elizabeth Carey Chapter of the Daughters of the American Revolution, Nevada, which was adopted.

On behalf of Senator Sifton, Senator Dempsey offered Senate Resolution No. 1052, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Killian Heitzman, Lemay, which was adopted.

On behalf of Senator Schaefer, Senator Dempsey offered Senate Resolution No. 1053, regarding Michael P. Jackson, Ashland, which was adopted.

On motion of Senator Dempsey, the Senate adjourned pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of the Senate

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JOURNAL OF THE SENATE
NINETY-SEVENTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST EXTRA SESSION
OF THE
FIRST REGULAR SESSION

FIRST DAY—MONDAY, DECEMBER 2, 2013

The Senate was called to order in Extra Session by Lieutenant Governor Peter Kinder.

Senator Dixon offered the following prayer:

“Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God’s work must truly be our own.” (John F. Kennedy)

Almighty God, You have chosen each of us to serve this state in the capacity of Senator and so we lead our people in ways that benefit their labor and efforts. Help us to do our best here, so with Your guidance, we may provide that which touches the needs before us and move their concerns into law that will assist Missourians to move forward and prosper. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

**COMMUNICATIONS FROM THE
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, aerospace manufacturing and the supplier industry that aerospace manufacturing supports are vital to our State’s economy; and

WHEREAS, the State of Missouri has a long history in aerospace manufacturing and is home to a skilled workforce to produce aircraft now and for generations to come; and

WHEREAS, the aerospace industry is critical to our State’s economy, with aerospace manufacturers and suppliers located in communities throughout the State; and

WHEREAS, the development of new aerospace manufacturing opportunities within the State of Missouri is vital to continuing Missouri’s leadership in the aerospace industry; and

WHEREAS, in order to compete for next-generation aerospace manufacturing opportunities, Missouri’s economic development programs must be expanded to accommodate projects involving significant job creation and large capital investment; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the need for expanding certain existing economic development programs in order for the State of Missouri to compete for aerospace manufacturing projects is an extraordinary occasion envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Seventh General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 4:00 p.m., Central Standard Time, on December 2, 2013; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

- To enact legislation authorizing large-scale aerospace projects to be funded under the Missouri Works Program (Sections 620.2000 to 620.2020, RSMo), Missouri Business Use Incentives for Large-Scale Development Act (BUILD) (Sections 100.700 to 100.850, RSMo), Missouri Works Training Program (Sections 620.800 to 620.809, RSMo), and the Real Property Tax Increment Allocation Redevelopment Act (Sections 99.800 to 99.865, RSMo) within a distinct annual funding cap established for such aerospace projects.
- To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require advice and consent of the Senate.

Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of November, 2013.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Jason Kander
Secretary of State

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Curls	Dempsey	Dixon	Emery	Holsman	Justus	Kehoe
Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Cunningham	Keaveny	LeVota—4
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Vacancies—None

The Lieutenant Governor was present.

Senator Richard announced that photographers from KOMU-TV, KRCG-TV, KPLR/KTVI, KMIZ-TV, Jefferson City News Tribune and KSDK-TV were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, that the rules of the Senate, as adopted by the Ninety-seventh General Assembly, First Regular Session, be declared the rules of the First Extra Session of the First Regular Session.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1—By Schmitt and Nasheed.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to aerospace industry job creation, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2013, while the Senate was not in session.

Marilynn J. Bradford, Independent, 4212A Willowlake Court, Jefferson City, Cole County, Missouri 65109, as a member of the Conservation Commission, for a term ending June 30, 2019, and until her successor is duly appointed and qualified; vice, Don R. Johnson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2013, while the Senate was not in session.

Ellen M. Burkemper, 243 Hill Creek Road, Troy, Lincoln County, Missouri 63379, as a member of the State Committee for Social Workers, for a term ending October 23, 2014, and until her successor is duly appointed and qualified; vice, Dushyanthi A. Mullegama, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2013, while the Senate was not in session.

Mariann Burnetti-Atwell, 1006 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists, for a term ending August 24, 2018, and until her successor is duly appointed and qualified;

vice, George R. Johnstone, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 22, 2013, while the Senate was not in session.

Bradley Calvin, 157 Denise Court, Troy, Lincoln County, Missouri 63379, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2014, and until his successor is duly appointed and qualified; vice, Bassem F. Armaly, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2013, while the Senate was not in session.

Kevin B. Cantwell, Independent, 5568 Hennsley Circle, Weldon Spring, Saint Charles County, Missouri 63304, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2016, and until his successor is duly appointed and qualified; vice, Richard "Rick" Sullivan Jr., term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2013, while the Senate was not in session.

Bryan Chapman, 4400 Amberview Lane, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Dental Board, for a term ending October 16, 2018, and until his successor is duly appointed and qualified; vice, Paul Titterington, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2013, while the Senate was not in session.

William Compere, 1266 East Portland, Springfield, Greene County, Missouri 65804, as a member of the Public School Retirement System of Missouri Board of Trustees, for a term ending June 30, 2017, and until his successor is duly appointed and qualified; vice, Donald Cupps, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Mary D. Craig, 600 Lincoln Street, Green Castle, Sullivan County, Missouri 63544, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, Roy E. Dameron, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Lisa J. Crandall, 607 Caspian Circle, Ashland, Boone County, Missouri 65010, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2014, and until her successor is duly appointed and qualified; vice, Bryon T. Koster, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 22, 2013, while the Senate was not in session.

Bruce Darrough, Democrat, 3748 Cranberry Court, Florissant, St. Louis County, Missouri 63033, as a member of the Linn

State Technical College Board of Regents, for a term ending December 29, 2013, and until his successor is duly appointed and qualified; vice, Diane Benetz, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Wendy D. Davis, 1700 Forum Boulevard #2106, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2015, and until her successor is duly appointed and qualified; vice, Theodore E. "Tec" Chapman, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 11, 2013, while the Senate was not in session.

Josef Denother, 7161 Delmar Boulevard, Saint Louis City, Missouri 63130, as a member of the Missouri Electronic Prior Authorization Committee, for a term ending at the pleasure of the Governor, until his successor is duly appointed and qualified; vice, RSMo 338.320.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 24, 2013, while the Senate was not in session.

Jerald A. Dickey, Republican, 26109 South Skyline Drive, Harrisonville, Cass County, Missouri 64701, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2018, and until his successor is duly appointed and qualified; vice, John W. McCulloch, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 12, 2013, while the Senate was not in session.

Tim Dollar, Democrat, 1079 Lake Point Court, Blue Springs, Jackson County, Missouri 64014, as a member of the Conservation Commission, for a term ending June 30, 2019, and until his successor is duly appointed and qualified; vice, Becky Plattner, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2013, while the Senate was not in session.

Julie T. Donelon, 814 Rockwell Lane, Kansas City, Jackson County, Missouri 64112, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Margaret J. "Mitzi" Huffman, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 22, 2013, while the Senate was not in session.

David C. Dwyer, Independent, 16528 Thunderhead Canyon Court, Wildwood, Saint Louis County, Missouri 63011, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2014, and until his successor is duly appointed and qualified; vice, James Harig, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2013, while the Senate was not in session.

Carol R. Fischer, 1025 Carol Street, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and

Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, James Cunningham, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2013, while the Senate was not in session.

Richard L. Fordyce, 31888 East 240th Avenue, Bethany, Harrison County, Missouri 64424, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2016, and until his successor is duly appointed and qualified; vice, Richard L. Fordyce, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 11, 2013, while the Senate was not in session.

Gene A. Forrester, 2400 Blackthorne Lane, Columbia, Boone County, Missouri 65201, as a member of the Missouri Electronic Prior Authorization Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, RSMo 338.320.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2013, while the Senate was not in session.

Virginia L. Fry, Republican, 2249 East Wildwood Circle Drive North, Springfield, Greene County, Missouri 65804, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2019, when her successor is duly elected or appointed and qualified; vice, Gordon A. Elliott, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2013, while the Senate was not in session.

Harry Ralph Gaw, Democrat, 31311 Highway 5, Tipton, Moniteau County, Missouri 65081, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2016, and until his successor is duly appointed and qualified; vice, Harry Ralph Gaw, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2013, while the Senate was not in session.

David L. Gourley, Republican, 3432 Coke Road, Mountain Grove, Wright County, Missouri 65711, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2014, and until his successor is duly appointed and qualified; vice, David L. Gourley, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2013, while the Senate was not in session.

Rhonda K. Haight, 12020 Northeast 148th Street, Liberty, Clay County, Missouri 64068, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Mark A. Folsom, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2013, while the Senate was not in session.

Daniel Hall, Democrat, 7451 Chimney Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Public

Service Commission, for a term ending September 27, 2019, and until his successor is duly appointed and qualified; vice, Terry M. Jarrett, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2013, while the Senate was not in session.

Douglas R. Kennedy, Democrat, 616 Pine Cone Road, Poplar Bluff, Butler County, Missouri 63902, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2015, and until his successor is duly appointed and qualified; vice, Craig Van Matre, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2013, while the Senate was not in session.

Patricia L. Kohl, 2836 Manderly Drive, Brentwood, Saint Louis County, Missouri 63144, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, Annetta M. Vickers, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2013, while the Senate was not in session.

Sara Nell Lampe, Democrat, 702 East Stanford Street, Springfield, Greene County, Missouri 65807, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2017, and until her successor is duly appointed and qualified; vice, Alvin Carter, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

John J. Larsen Jr., Democrat, 3842 Flora Place, Saint Louis City, Missouri 63110, as a member of the Labor and Industrial Relations Commission for a term ending June 27, 2018, and until his successor is duly appointed and qualified; vice, William Ringer, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2013, while the Senate was not in session.

O. Victor Lenz Jr., Republican, 4628 Bridlewood Terrace, Saint Louis, Saint Louis County, Missouri 63128, as a member of the State Board of Education, for a term ending July 1, 2019, and until his successor is duly appointed and qualified; vice, Sybl Slaughter, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2013, while the Senate was not in session.

William L. Manes, 9384 Sandy Church Road, Hillsboro, Jefferson County, Missouri 63050, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2016, and until his successor is duly appointed and qualified; vice, Dorothy M. Creager, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2013, while the Senate was not in session.

Kenneth Markwell, 1719 Chelle Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Board of Geologist

Registration, for a term ending April 11, 2014, and until his successor is duly appointed and qualified; vice, John Holbrook, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Kelley M. Martin, Republican, 5915 Northwest 96th Terrace, Kansas City, Platte County, Missouri 64154, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2019, and until his successor is duly appointed and qualified; vice, Rudolph E. Farber, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 22, 2013, while the Senate was not in session.

Terri R. Marty, 7058 Greenwood Hills, Fulton, Callaway County, Missouri 65251, as a member of the State Committee for Social Workers, for a term ending October 28, 2016, and until her successor is duly appointed and qualified; vice, Terri R. Marty, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2013, while the Senate was not in session.

Ashley McCarty, Democrat, 17287 Jersey Trail, Novinger, Adair County, Missouri 63559, as a member of the Clean Water Commission, for a term ending April 12, 2016, and until her successor is duly appointed and qualified; vice, Samuel M. Hunter, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2013, while the Senate was not in session.

Arteveld J. McCoy II, Independent, 334 Reighley Place, Florissant, St. Louis County, Missouri 63033, as a member of the Harris-Stowe University Board of Regents, for a term ending July 28, 2018, and until his successor is duly appointed and qualified; vice, Charles H. Hoessle, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Joseph G. McCulloch, Democrat, 2013 Willow Trail, Saint Charles, Saint Charles County, Missouri 63303, as a member of the St. Charles County Convention & Sports Facilities Authority, for a term ending April 27, 2017, and until his successor is duly appointed and qualified; vice, Joseph G. McCulloch, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2013, while the Senate was not in session.

John M. Miles, 1801 East 60th Terrace, Kansas City, Jackson County, Missouri 64130, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2018, and until his successor is duly appointed and qualified; vice, Jon Gray, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2013, while the Senate was not in session.

Kathie A. Miller, 1011 Specialty Drive, Dexter, Stoddard County, Missouri 63841, as a member of the State Committee

for Social Workers, for a term ending October 23, 2016, and until her successor is duly appointed and qualified; vice, Kathie A. Miller, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2013, while the Senate was not in session.

Larry B. Newcomb, 300 Chestnut Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until his successor is duly appointed and qualified; vice, Kristen Weber, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Donna L. Newman, 4122 Mercier, Kansas City, Jackson County, Missouri 64111, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2015, and until her successor is duly appointed and qualified; vice, Charles J. Gulas, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Judith Grace O'Connor, Democrat, 3321 Steeple Hill, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Edna Talboy, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2013, while the Senate was not in session.

Jill L. Patterson, 1741 East Briar Street, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Suzan Ponder-Bates, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 11, 2013, while the Senate was not in session.

Joseph E. Pierle, 1224 Rosner Hills Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Electronic Prior Authorization Committee, for a term ending at the pleasure of the Governor, until his successor is duly appointed and qualified; vice, RSMo 338.320.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

J. Michael Ponder, Democrat, 3041 Keystone, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, J. Michael Ponder, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 11, 2013, while the Senate was not in session.

Steven E. Renne, 1809 Blueridge Road, Columbia, Boone County, Missouri 65202, as a member of the Missouri Electronic

Prior Authorization Committee, for a term ending at the pleasure of the Governor, until his successor is duly appointed and qualified; vice, RSMo 338.320.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2013, while the Senate was not in session.

Gary Rogles, 10735 Gail Court, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2014, and until his successor is duly appointed and qualified; vice, Wayne Mueller, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2013, while the Senate was not in session.

Sam P. Schaumann, Independent, 638 Lotus Road, Billings, Christian County, Missouri 65610, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2014, and until his successor is duly appointed and qualified; vice, Leon Kreisler, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2013, while the Senate was not in session.

Bryan T. Scott, Democrat, 4349 Washington Boulevard, St. Louis City, Missouri 63108, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2017, and until his successor is duly appointed and qualified; vice, Joseph Hunt, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2013, while the Senate was not in session.

James Kendall Seal, Democrat, 7845 Northwest Roanridge Drive, Apartment F, Kansas City, Platte County, Missouri 64151, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2019, when his successor is duly elected or appointed and qualified; vice, Cathy Smith, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Craig W. Smith, Independent, 806 Legends View Drive, Eureka, Saint Louis County, Missouri 63025, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2016, and until his successor is duly appointed and qualified; vice, M. Elizabeth Kingsley, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Gregg C. Smith, Democrat, 1900 Countryside Drive, Clinton, Henry County, Missouri 64735, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2019, and until his successor is duly appointed and qualified; vice, Grace M. Nichols, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2013, while the Senate was not in session.

Sharon E. Sorrell, 2734 Barron Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the State Committee

for Social Workers, for a term ending October 23, 2015, and until her successor is duly appointed and qualified; vice, Hal M. Agler, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2013, while the Senate was not in session.

Renee Stucky, 3441 South Hidden Hills Lane, Columbia, Boone County, Missouri 65203, as a member of the State Committee of Psychologists, for a term ending August 28, 2017, and until her successor is duly appointed and qualified; vice, Deborah Onken, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2013, while the Senate was not in session.

John Szturo, 15001 East 44th Street South, Independence, Jackson County, Missouri 64055, as a member of the Board of Geologist Registration, for a term ending April 11, 2016, and until his successor is duly appointed and qualified; vice, Don L. Warner, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2013, while the Senate was not in session.

Marvin O. Teer, Jr., 1508 La Hacienda, Jefferson City, Cole County, Missouri 65101, as a member of the Administrative Hearing Commission, for a term ending September 12, 2019, and until his successor is duly appointed and qualified; vice, Nimrod T. Chapel, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2013, while the Senate was not in session.

Jennifer Vernon, 9227 Southwest Josh Ridge Road, Trimble, Clinton County, Missouri 64492, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2014, and until her successor is duly appointed and qualified; vice, David Kierst, Jr., term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 3, 2013, while the Senate was not in session.

Timothy J. Viox, Independent, 5202 Thornbrook Parkway, Columbia, Boone County, Missouri 65203, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2016, and until his successor is duly appointed and qualified; vice, Sarah Jones, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2013, while the Senate was not in session.

Sandra Wedewer, 2924 Isle View Lane, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2018, and until her successor is duly appointed and qualified; vice, Deborah S. Fritz, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 22, 2013, while the Senate was not in session.

Alan H. Wells, 1415 Highway H, Farmington, Saint Francois County, Missouri 63640, as a member of the Advisory

Committee for 911 Service Oversight, for a term ending April 9, 2016, and until his successor is duly appointed and qualified; vice, Alan H. Wells, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 22, 2013, while the Senate was not in session.

Deborah White, 4411 South East Highway 116, Dearborn, Buchanan County, Missouri 64439, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Cecilia Davis, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2013, while the Senate was not in session.

April S. Wilson, 1005 East Northtown Road, Kirksville, Adair County, Missouri 63501, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, Jennifer Tyus, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2013, while the Senate was not in session.

Vincil M. Wilt, Democrat, 225 Rock Road, Paris, Monroe County, Missouri 65275, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2014, and until his successor is duly appointed and qualified; vice, Linda Hickam-Fountain, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 11, 2013, while the Senate was not in session.

Mayme E. Young, 119 Booneville Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2016, and until her successor is duly appointed and qualified; vice, Jeanne M. Serra, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2013, while the Senate was not in session.

Anna E. Crosslin, Democrat, 3651 Shenandoah, St. Louis City, Missouri 63110, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2019, and until her successor is duly appointed and qualified; vice, James H. Buford, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

December 2, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on December 2, 2013, for your advice and consent:

Marilynn J. Bradford, Independent, 4212A Willowlake Court, Jefferson City, Cole County, Missouri 65109, as a member of the Conservation Commission, for a term ending June 30, 2019, and until her successor is duly appointed and qualified; vice, Don R. Johnson, term expired.

Ellen M. Burkemper, 243 Hill Creek Road, Troy, Lincoln County, Missouri 63379, as a member of the State Committee for Social Workers, for a term ending October 23, 2014, and until her successor is duly appointed and qualified; vice, Dushyanthi A. Mullegama, resigned.

Mariann Burnetti-Atwell, 1006 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists, for a term ending August 24, 2018, and until her successor is duly appointed and qualified; vice, George R. Johnstone, term expired.

Bradley Calvin, 157 Denise Court, Troy, Lincoln County, Missouri 63379, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2014, and until his successor is duly appointed and qualified; vice, Bassem F. Armaly, term expired.

Kevin B. Cantwell, Independent, 5568 Hennsley Circle, Weldon Spring, Saint Charles County, Missouri 63304, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2016, and until his successor is duly appointed and qualified; vice, Richard "Rick" Sullivan Jr., term expired.

Bryan Chapman, 4400 Amberview Lane, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Dental Board, for a term ending October 16, 2018, and until his successor is duly appointed and qualified; vice, Paul Titterington, term expired.

William Compere, 1266 East Portland, Springfield, Greene County, Missouri 65804, as a member of the Public School Retirement System of Missouri Board of Trustees, for a term ending June 30, 2017, and until his successor is duly appointed and qualified; vice, Donald Cupps, term expired.

Mary D. Craig, 600 Lincoln Street, Green Castle, Sullivan County, Missouri 63544, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, Roy E. Dameron, term expired.

Lisa J. Crandall, 607 Caspian Circle, Ashland, Boone County, Missouri 65010, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2014, and until her successor is duly appointed and qualified; vice, Bryon T. Koster, term expired.

Anna E. Crosslin, Democrat, 3651 Shenandoah, St. Louis City, Missouri 63110, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2019, and until her successor is duly appointed and qualified; vice, James H. Buford, term expired.

Bruce Darrough, Democrat, 3748 Cranberry Court, Florissant, St. Louis County, Missouri 63033, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2013, and until his successor is duly appointed and qualified; vice, Diane Benetz, term expired.

Wendy D. Davis, 1700 Forum Boulevard #2106, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2015, and until her successor is duly appointed and qualified; vice, Theodore E. "Tec" Chapman, term expired.

Josef Denother, 7161 Delmar Boulevard, Saint Louis City, Missouri 63130, as a member of the Missouri Electronic Prior Authorization Committee, for a term ending at the pleasure of the Governor, until his successor is duly appointed and qualified; vice RSMo 338.320.

Jerald A. Dickey, Republican, 26109 South Skyline Drive, Harrisonville, Cass County, Missouri 64701, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2018, and until his successor is duly appointed and qualified; vice, John W. McCulloch, term expired.

Tim Dollar, Democrat, 1079 Lake Point Court, Blue Springs, Jackson County, Missouri 64014, as a member of the Conservation Commission, for a term ending June 30, 2019, and until his successor is duly appointed and qualified; vice, Becky Plattner, term expired.

Julie T. Donelon, 814 Rockwell Lane, Kansas City, Jackson County, Missouri 64112, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Margaret J. "Mitzi" Huffman, term expired.

David C. Dwyer, Independent, 16528 Thunderhead Canyon Court, Wildwood, Saint Louis County, Missouri 63011, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2014, and until his successor is duly appointed and qualified; vice, James Harig, withdrawn.

Carol R. Fischer, 1025 Carol Street, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, James Cunningham, term expired.

Richard L. Fordyce, 31888 East 240th Avenue, Bethany, Harrison County, Missouri 64424, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2016, and until his successor is duly appointed and qualified; vice, Richard L. Fordyce, reappointed.

Gene A. Forrester, 2400 Blackthorne Lane, Columbia, Boone County, Missouri 65201, as a member of the Missouri Electronic Prior Authorization Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice RSMo 338.320.

Virginia L. Fry, Republican, 2249 East Wildwood Circle Drive North, Springfield, Greene County, Missouri 65804, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2019, when her successor is duly elected or appointed and qualified; vice, Gordon A. Elliott, term expired.

Harry Ralph Gaw, Democrat, 31311 Highway 5, Tipton, Moniteau County, Missouri 65081, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2016, and until his successor is duly appointed and qualified; vice, Harry Ralph Gaw, reappointed.

David L. Gourley, Republican, 3432 Coke Road, Mountain Grove, Wright County, Missouri 65711, as a member of the

Missouri Veterinary Medical Board, for a term ending August 29, 2014, and until his successor is duly appointed and qualified; vice, David L. Gourley, reappointed.

Rhonda K. Haight, 12020 Northeast 148th Street, Liberty, Clay County, Missouri 64068, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Mark A. Folsom, term expired.

Daniel Hall, Democrat, 7451 Chimney Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Public Service Commission, for a term ending September 27, 2019, and until his successor is duly appointed and qualified; vice, Terry M. Jarrett, term expired.

Douglas R. Kennedy, Democrat, 616 Pine Cone Road, Poplar Bluff, Butler County, Missouri 63902, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2015, and until his successor is duly appointed and qualified; vice, Craig Van Matre, resigned.

Patricia L. Kohl, 2836 Manderly Drive, Brentwood, Saint Louis County, Missouri 63144, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, Annetta M. Vickers, term expired.

Sara Nell Lampe, Democrat, 702 East Stanford Street, Springfield, Greene County, Missouri 65807, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2017, and until her successor is duly appointed and qualified; vice, Alvin Carter, term expired.

John J. Larsen Jr., Democrat, 3842 Flora Place, Saint Louis City, Missouri 63110, as a member of the Labor and Industrial Relations Commission for a term ending June 27, 2018, and until his successor is duly appointed and qualified; vice, William Ringer, term expired.

O. Victor Lenz Jr., Republican, 4628 Bridlewood Terrace, Saint Louis, Saint Louis County, Missouri 63128, as a member of the State Board of Education, for a term ending July 1, 2019, and until his successor is duly appointed and qualified; vice, Sybl Slaughter, term expired.

William L. Manes, 9384 Sandy Church Road, Hillsboro, Jefferson County, Missouri 63050, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2016, and until his successor is duly appointed and qualified; vice, Dorothy M. Creager, term expired.

Kenneth Markwell, 1719 Chelle Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Board of Geologist Registration, for a term ending April 11, 2014, and until his successor is duly appointed and qualified; vice, John Holbrook, term expired.

Kelley M. Martin, Republican, 5915 Northwest 96th Terrace, Kansas City, Platte County, Missouri 64154, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2019, and until his successor is duly appointed and qualified; vice, Rudolph E. Farber, term expired.

Terri R. Marty, 7058 Greenwood Hills, Fulton, Callaway County, Missouri 65251, as a member of the State Committee for Social Workers, for a term ending October 28, 2016, and until her successor is duly appointed and qualified; vice, Terri R. Marty, reappointed.

Ashley McCarty, Democrat, 17287 Jersey Trail, Novinger, Adair County, Missouri 63559, as a member of the Clean Water Commission, for a term ending April 12, 2016, and until her successor is duly appointed and qualified; vice, Samuel M. Hunter, term expired.

Arteveld J. McCoy II, Independent, 334 Reighley Place, Florissant, St. Louis County, Missouri 63033, as a member of the Harris-Stowe University Board of Regents, for a term ending July 28, 2018, and until his successor is duly appointed and qualified; vice, Charles H. Hoessle, term expired.

Joseph G. McCulloch, Democrat, 2013 Willow Trail, Saint Charles, Saint Charles County, Missouri 63303, as a member of the St. Charles County Convention & Sports Facilities Authority, for a term ending April 27, 2017, and until his successor is duly appointed and qualified; vice, Joseph G. McCulloch, reappointed.

John M. Miles, 1801 East 60th Terrace, Kansas City, Jackson County, Missouri 64130, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2018, and until his successor is duly appointed and qualified; vice, Jon Gray, term expired.

Kathie A. Miller, 1011 Specialty Drive, Dexter, Stoddard County, Missouri 63841, as a member of the State Committee for Social Workers, for a term ending October 23, 2016, and until her successor is duly appointed and qualified; vice, Kathie A. Miller, reappointed.

Larry B. Newcomb, 300 Chestnut Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until his successor is duly appointed and qualified;

vice, Kristen Weber, term expired.

Donna L. Newman, 4122 Mercier, Kansas City, Jackson County, Missouri 64111, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2015, and until her successor is duly appointed and qualified; vice, Charles J. Gulas, term expired.

Judith Grace O'Connor, Democrat, 3321 Steeple Hill, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Edna Talboy, term expired.

Jill L. Patterson, 1741 East Briar Street, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Suzan Ponder-Bates, term expired.

Joseph E. Pierle, 1224 Rosner Hills Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Electronic Prior Authorization Committee, for a term ending at the pleasure of the Governor, until his successor is duly appointed and qualified; vice RSMo 338.320.

J. Michael Ponder, Democrat, 3041 Keystone, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, J. Michael Ponder, withdrawn.

Steven E. Renne, 1809 Blueridge Road, Columbia, Boone County, Missouri 65202, as a member of the Missouri Electronic Prior Authorization Committee, for a term ending at the pleasure of the Governor, until his successor is duly appointed and qualified; vice RSMo 338.320.

Gary Rogles, 10735 Gail Court, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2014, and until his successor is duly appointed and qualified; vice, Wayne Mueller, term expired.

Sam P. Schaumann, Independent, 638 Lotus Road, Billings, Christian County, Missouri 65610, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2014, and until his successor is duly appointed and qualified; vice, Leon Kreisler, term expired.

Bryan T. Scott, Democrat, 4349 Washington Boulevard, St. Louis City, Missouri 63108, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2017, and until his successor is duly appointed and qualified; vice, Joseph Hunt, withdrawn.

James Kendall Seal, Democrat, 7845 Northwest Roanridge Drive, Apartment F, Kansas City, Platte County, Missouri 64151, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2019, when his successor is duly elected or appointed and qualified; vice, Cathy Smith, term expired.

Craig W. Smith, Independent, 806 Legends View Drive, Eureka, Saint Louis County, Missouri 63025, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2016, and until his successor is duly appointed and qualified; vice, M. Elizabeth Kingsley, withdrawn.

Gregg C. Smith, Democrat, 1900 Countryside Drive, Clinton, Henry County, Missouri 64735, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2019, and until his successor is duly appointed and qualified; vice, Grace M. Nichols, term expired.

Sharon E. Sorrell, 2734 Barron Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the State Committee for Social Workers, for a term ending October 23, 2015, and until her successor is duly appointed and qualified; vice, Hal M. Agler, term expired.

Renee Stucky, 3441 South Hidden Hills Lane, Columbia, Boone County, Missouri 65203, as a member of the State Committee of Psychologists, for a term ending August 28, 2017, and until her successor is duly appointed and qualified; vice, Deborah Onken, term expired.

John Szturo, 15001 East 44th Street South, Independence, Jackson County, Missouri 64055, as a member of the Board of Geologist Registration, for a term ending April 11, 2016, and until his successor is duly appointed and qualified; vice, Don L. Warner, term expired.

Marvin O. Teer, Jr., 1508 La Hacienda, Jefferson City, Cole County, Missouri 65101, as a member of the Administrative Hearing Commission, for a term ending September 12, 2019, and until his successor is duly appointed and qualified; vice, Nimrod T. Chapel, term expired.

Jennifer Vernon, 9227 Southwest Josh Ridge Road, Trimble, Clinton County, Missouri 64492, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2014, and until her successor is duly appointed and qualified; vice, David Kierst, Jr., term expired.

Timothy J. Viox, Independent, 5202 Thornbrook Parkway, Columbia, Boone County, Missouri 65203, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2016, and until his successor is duly appointed and qualified; vice, Sarah Jones, term expired.

Sandra Wedewer, 2924 Isle View Lane, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2018, and until her successor is duly appointed and qualified; vice, Deborah S. Fritz, term expired.

Alan H. Wells, 1415 Highway H, Farmington, Saint Francois County, Missouri 63640, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2016, and until his successor is duly appointed and qualified; vice, Alan H. Wells, reappointed.

Deborah White, 4411 South East Highway 116, Dearborn, Buchanan County, Missouri 64439, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2015, and until her successor is duly appointed and qualified; vice, Cecilia Davis, term expired.

April S. Wilson, 1005 East Northtown Road, Kirksville, Adair County, Missouri 63501, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2016, and until her successor is duly appointed and qualified; vice, Jennifer Tyus, term expired.

Vincil M. Wilt, Democrat, 225 Rock Road, Paris, Monroe County, Missouri 65275, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2014, and until his successor is duly appointed and qualified; vice, Linda Hickam-Fountain, term expired.

Mayme E. Young, 119 Booneville Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2016, and until her successor is duly appointed and qualified; vice, Jeanne M. Serra, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey moved that the above appointments be returned to the Governor per his request, which motion prevailed.

On motion of Senator Richard, the Senate adjourned until 1:00 p.m., Tuesday, December 3, 2013.

SENATE CALENDAR

SECOND DAY—TUESDAY, DECEMBER 3, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Schmitt and Nasheed

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SECOND DAY—TUESDAY, DECEMBER 3, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“May the God of hope fill you with all joy and peace in believing so you may abound in hope by the power of the Holy Spirit.” (Romans 15:13)

Blessed Lord in the season of hope and anticipation we are called forth to make decisions that encourage our people that we care about them and the future of this state. So abide in us as we decide what is right so our decisions are helpful and effective. Help us give this sense of hope in what we do and say, so what is done here glorifies Your name. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Curls	Dempsey	Dixon	Emery	Holsman	Justus	Kehoe
Kraus	Lamping	Libla	McKenna	Munzlinger	Nasheed	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Walsh	Wasson—27					

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Cunningham	Keaveny	Lager	LeVota	Nieves	Sifton—7
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Vacancies—None

RESOLUTIONS

Senator Richard offered Senate Resolution No. 3, regarding Allen Dougless, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 4, regarding Jordan Andrews, Baxter Springs, Kansas, which was adopted.

On behalf of Senator Chappelle-Nadal, Senator Justus offered Senate Resolution No. 5, regarding Pamela Rethmeyer, Florissant, which was adopted.

Senator Kehoe offered Senate Resolution No. 6, regarding Clayton “Clay” Keller, Russellville, which was adopted.

Senator Parson offered Senate Resolution No. 7, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Martens, Warsaw, which was adopted.

Senator Parson offered Senate Resolution No. 8, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen Baum, Climax Springs, which was adopted.

Senator Sater offered Senate Resolution No. 9, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Daniel “Dan” Chandler, Eagle Rock, which was adopted.

Senator Sater offered Senate Resolution No. 10, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Johnnie Saunders, Washburn, which was adopted.

Senator Sater offered Senate Resolution No. 11, regarding Monett High School, which was adopted.

On behalf of Senator Cunningham, Senator Richard offered Senate Resolution No. 12, regarding Doniphan Neighborhood Assistance Program, which was adopted.

On behalf of Senator Cunningham, Senator Richard offered Senate Resolution No. 13, regarding the Fiftieth Anniversary of the Junction Hill Pentecostal Church, West Plains, which was adopted.

On behalf of Senator Cunningham, Senator Richard offered Senate Resolution No. 14, regarding Tom and Jennifer Chaligoj, Doniphan, which was adopted.

On behalf of Senator Cunningham, Senator Richard offered Senate Resolution No. 15, regarding the 110th Anniversary of the Free Will Baptist Church, Myrtle, which was adopted.

On behalf of Senator Cunningham, Senator Richard offered Senate Resolution No. 16, regarding Susie Williams, Caulfield, which was adopted.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 1—Jobs, Economic Development and Local Government.

On motion of Senator Richard, the Senate recessed until 5:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

REPORTS OF STANDING COMMITTEES

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Richard, the Senate adjourned until 9:00 a.m., Wednesday, December 4, 2013.

SENATE CALENDAR

THIRD DAY–WEDNESDAY, DECEMBER 4, 2013

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Schmitt and Nasheed, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRD DAY—WEDNESDAY, DECEMBER 4, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Prayer is faith passing into action.” (Richard Cecil)

We do what is required of us to move into action, to make decisions and vote as is appropriate and so we do so with prayer first and considerations to follow. So bless us and guide us this day, we pray to You O Lord, and may our actions be completed as You desire them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Emery	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

Absent—Senators—None

Absent with leave—Senators

Cunningham	Holsman	LeVota—3
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 17, regarding Don Warnecke, which was adopted.

Senator Dixon offered Senate Resolution No. 18, regarding Dennis Kemper, which was adopted.

Senator Dixon offered Senate Resolution No. 19, regarding Vreni Jones, which was adopted.

Senator Dixon offered Senate Resolution No. 20, regarding LifeQuest Church, which was adopted.

Senator Dixon offered Senate Resolution No. 21, regarding Richard Napieralski, which was adopted.

Senator Dixon offered Senate Resolution No. 22, regarding Dee Ogilvy, which was adopted.

Senator Dixon offered Senate Resolution No. 23, regarding Phyllis Evans, which was adopted.

Senator Dixon offered Senate Resolution No. 24, regarding Pastor David Tice, which was adopted.

Senator Dixon offered Senate Resolution No. 25, regarding Cassandra Siperko, which was adopted.

Senator Dixon offered Senate Resolution No. 26, regarding Scott Gayer, which was adopted.

Senator Dixon offered Senate Resolution No. 27, regarding Candy Smith, which was adopted.

Senator Dixon offered Senate Resolution No. 28, regarding The Table on C-Street, which was adopted.

Senator Curls offered Senate Resolution No. 29, regarding Major Rosilyn D. Allen, which was adopted.

Senator Richard offered Senate Resolution No. 30, regarding Bunny Newton, Joplin, which was adopted.

Senator Sater offered Senate Resolution No. 31, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rex Henderson, Purdy, which was adopted.

Senator Sater offered Senate Resolution No. 32, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Charles Thompson, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 33, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William "Bill" Hubbard, Aurora, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 1**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1**

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to aerospace industry job creation, with an emergency clause.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 1** be adopted.

Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1, Page 2, Section 620.2475, Line 28, by inserting immediately after said line the following:

“3. For any aerospace project receiving state benefits under this section, the department of economic development shall deliver to the general assembly an annual report providing detailed information on the state benefits received and projected to be received by the aerospace project.”.

At the request of Senator Schaaf, SA 1 was withdrawn.

Senator Schaaf offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1, Page 2, Section 620.2475, Line 28, by inserting immediately after said line the following:

“3. For aerospace projects receiving state benefits under this section, no land may be acquired using eminent domain.”.

At the request of Senator Schaaf, the above amendment was withdrawn.

Photographers from KTVI-TV, KOMU 8 News and ABC 17 News were given permission to take pictures in the Senate Chamber.

Senator Schaaf offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1, Page 2, Section 620.2475, Line 28, by inserting immediately after said line the following:

“3. For any aerospace project receiving state benefits under this section, the department of economic development shall deliver to the general assembly an annual report providing detailed information on the state benefits received and projected to be received by the aerospace project.”.

Senator Schaaf moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

Senator Chappelle-Nadal offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 1, Page 1, Line 7, by inserting after the word “project” the following: **“and shall also denote the number of minorities that have been trained under the Missouri works training program established under sections 620.800 to 620.809.”**

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

Senator Chappelle-Nadal offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 1, Page 2, Section 620.2475, Line 28, by inserting immediately after all of said line the following:

“3. Any aerospace project receiving benefits under this section shall annually report to the general assembly and the department of economic development their minority and women

employment outreach efforts.”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 1, Page 2, Section 620.2475, Line 28, by inserting immediately after all of said line the following:

“3. For aerospace projects receiving benefits under this section, in no event shall disbursements of new state revenues under sections 99.800 to 99.865 be made to satisfy bond obligations incurred for improvements that do not directly benefit such project.

4. For aerospace projects receiving benefits under this section, in the tenth year following the approval of a notice of intent under sections 620.2000 to 620.2020, the department of economic development shall determine the net fiscal benefit to the state resulting from such project and shall take any action necessary to ensure a positive net fiscal benefit to the state by no later than the last year in which the aerospace project receives benefits under this section.”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt moved that **SCS** for **SB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SB 1**, as amended, was declared perfected and ordered printed.

On motion of Senator Richard, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Richard requested unanimous consent of the body to suspend Senate Rule No. 52 for the purpose of taking up **SCS** for **SB 1** for third reading and final passage, which request was granted.

THIRD READING OF SENATE BILLS

SCS for **SB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to aerospace industry job creation, with an emergency clause.

Was taken up by Senator Schmitt.

Copies of perfected **SCS** for **SB 1** were distributed.

On motion of Senator Schmitt, **SCS** for **SB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dempsey	Dixon	Justus	Keaveny	Kehoe	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—23	

NAYS—Senators

Brown	Emery	Kraus	Lager	Lamping	Nieves	Schaaf	Schaefer—8
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Absent—Senators—None

Absent with leave—Senators

Cunningham	Holsman	LeVota—3
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dempsey	Dixon	Justus	Keaveny	Kehoe	Libla
McKenna	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Rupp
Sater	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—23	

NAYS—Senators

Brown	Emery	Kraus	Lager	Lamping	Nieves	Schaaf	Schaefer—8
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Absent—Senators—None

Absent with leave—Senators

Cunningham	Holsman	LeVota—3
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Vacancies—None

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

On motion of Senator Richard, the Senate adjourned until 9:00 a.m., Friday, December 6, 2013.

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTH DAY—FRIDAY, DECEMBER 6, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

RESOLUTIONS

On behalf of Senator Sater, Senator Kehoe offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Pat Chapman, Pierce City, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 35, regarding the Class 5 State Champion Lee's Summit West High School football program, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 36, regarding Class 6 State Champion Blue Springs High School football program, which was adopted.

On behalf of Senator Cunningham, Senator Kehoe offered Senate Resolution No. 37, regarding the Davis farm, Doniphan, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 38, regarding Tanner R. Stephens, Lee's Summit, which was adopted.

On behalf of Senator Libla, Senator Kehoe offered Senate Resolution No. 39, regarding Rob Callahan, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Senate that the House duly convened in the First Extraordinary Session of the First Regular Session on Monday, December 2, 2013, and is convened in full session and ready for consideration of its business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

WHEREAS, Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly was received by the Missouri House of Representatives on December 4, 2013, with the title “relating to aerospace industry job creation, with an emergency clause”; and

WHEREAS, the Missouri House of Representatives first read Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly by title and number on December 4, 2013; and

WHEREAS, the Missouri House of Representatives second read Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly by title and number on December 5, 2013; and

WHEREAS, the Secretary of the Senate delivered a message on December 6, 2013, to the Missouri House of Representatives including a corrected copy of Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly; and

WHEREAS, the Missouri Senate acknowledges that the proper language of Senate Amendment No. 5 for Senate Committee Substitute for Senate Bill No. 1 was properly printed in the Journal of the Missouri Senate for the Third Day of the First Extraordinary Session of the Ninety-Seventh General Assembly on Pages 30 through 32 on Wednesday, December 4, 2013; and

WHEREAS, by printing a corrected copy of Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Missouri Senate during the First Extraordinary Session of the Ninety-Seventh General Assembly, the Senate has properly enrolled a bill correctly encompassing the language contained within Senate Amendment No. 5 as adopted by the Senate as a body on December 4, 2013:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, acknowledge that the corrected Senate Committee Substitute for Senate Bill No. 1 as perfected and third read by the Senate and as first read and second read by the Missouri House of Representatives during the First Extraordinary Session of the Ninety-Seventh General Assembly accurately reflects the proposed statutory language; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution to be delivered to the President Pro Tem of the Missouri Senate and Governor of the State of Missouri.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1**.

Emergency clause adopted.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 1**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become

law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 1**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

On motion of Senator Kehoe, the Senate of the First Extraordinary Session of the First Regular Session of the 97th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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Journal of the Senate

NINETY-SEVENTH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

VETO SESSION

WEDNESDAY, SEPTEMBER 11, 2013

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“Death and life are in the power of the tongue.” (Proverbs 18:21)

On this 12th Anniversary of 9-11 we are mindful of the power of words that drove men to criminal behavior and death of nearly 3,000 men and women whose horrifying screams of that day echo in our land especially at places and symbols of our freedom and democracy. As we gather in our Capitol building this day we are especially mindful of what is required of us to use our voices knowing we have the power to change or reinforce what we believe is right and necessary for our people. So we pray that You, O Lord, will help us exercise such power with wisdom, trusting always in Your guidance. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Richard announced photographers from the Associated Press, KOMU-TV, Gasconade County Republican, New York Times, KSDK-TV, KTVI Fox 2 and ABC 17 were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-seventh General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-seventh General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate Bills were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 10, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 240 entitled:

AN ACT

To repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations.

I disapprove of Senate Committee Substitute for Senate Bill No. 240. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 240 would expand from three to five years the period of time in which a gas utility can collect an infrastructure system replacement surcharge (ISRS) and would impose a 30 percent increase in the maximum amount of ISRS the utility can charge consumers. Senate Committee Substitute for Senate Bill No. 240 would also authorize gas utilities to track the amount of bad debt (i.e. uncollectible utility bills) they incur and then recover 90 percent of the difference between the actual amount of bad debt and the amount of bad debt estimated during their most recent rate case before the Public Service Commission (PSC). Because the harm to consumers from increased gas bills outweighs the legislation's potential benefits, Senate Committee Substitute for Senate Bill No. 240 does not receive my approval.

The existing ISRS mechanism was created in 2003 when Missouri's two large gas companies, Missouri Gas Energy (MGE) and Laclede Gas Company (Laclede), and Missouri American Water Company (MAWC) had fallen behind on infrastructure maintenance. The needed infrastructure replacements, unlike a new power plant for an electric company, would not have generated any additional revenue, but would simply have replaced gas and water mains to maintain their systems in working order and to protect against threats to public safety from aging infrastructure.

To address this problem, the General Assembly enacted Senate Substitute for Senate Committee Substitute for House Bill No. 208 (2003), which authorized the ISRS mechanism for water utilities serving more than 10,000 customers in St. Louis County and all gas utilities in Missouri. Currently MGE and Laclede Gas are the only Missouri gas utilities utilizing the ISRS, although Laclede is currently in the process of acquiring MGE, which will leave only one gas utility imposing an ISRS surcharge. Since the gas ISRS was enacted, the utilities have made significant investments to ensure that their systems are in working order. According to MGE, the company replaced approximately 176 miles of bare steel and cast iron main from 2003 to 2012 – more than 86 percent in excess of the amount mandated under PSC order. Similarly, Laclede has indicated that it is replacing more than 31 miles of cast iron mains annually and, following its acquisition of MGE, will significantly increase its investments in MGE's infrastructure.

As the above demonstrates, the existing ISRS mechanism has had the intended effect of encouraging the gas utilities to replace and maintain their infrastructure. However, what the above fails to demonstrate is any compelling reason to expand this existing mechanism and, by doing so, raise utility costs for Missouri consumers. While an increase in the existing ISRS would no doubt benefit the utilities, this benefit would come at a cost to consumers—a cost the PSC could police less frequently due to the additional two years Senate Committee Substitute for Senate Bill No. 240 would allow between general rate cases. Moreover, this additional two years between rate cases would prevent consumers from seeing the benefit of any savings realized by the utility during that additional time—such as through the pending consolidation of MGE and Laclede.

More troubling than the ISRS expansion is the provision of Senate Committee Substitute for Senate Bill No. 240 that would authorize a gas utility to recover from its ratepayers 90 percent of the uncollectible “bad debt” it incurs from its non-paying customers. Under current law, a utility has a strong incentive to collect on its customer debts or prevent customers from running up excessive arrearages in the first place, since any increase in bad debt simply reduces the utility’s profits. However, Senate Committee Substitute for Senate Bill No. 240 would all but eliminate this incentive, since the utility would now be able to bank on recovering from its paying customers 90 percent of the bad debt it incurs. In this way, Senate Committee Substitute for Senate Bill No. 240 would insulate company profits from any increase in bad debt by shifting the risk of non-payment from the utility to its ratepayers, which is an unacceptable result for the vast majority of ratepayers who pay their bills on time.

While there is much in Senate Committee Substitute for Senate Bill No. 240 to benefit utilities, there is little, if anything, in it for consumers. Nowhere does the bill mandate increased reliability or enhanced safety and nowhere does it offer the real possibility of lower utility bills. Without a compelling reason to expand the existing ISRS and with the perverse incentive created by allowing utilities to recover bad debts from their paying customers, consumers should not have to shoulder the burden this bill would impose.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 240 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

May 17, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 60 entitled:

AN ACT

To repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

I disapprove of Senate Bill No. 60. My reasons for disapproval are as follows:

Senate Bill No. 60 is duplicative of House Bill No. 133 which was truly agreed to and finally passed on April 29, 2013. While the language in both Senate Bill No. 60 and House Bill No. 133 is substantially similar, it is not identical. In addition to several non-substantive differences between the two bills, Senate Bill No. 60 omits an intrasectional reference that is contained in current law. Because of their similarities, it is unnecessary to approve both Senate Bill No. 60 and House Bill No. 133 and, due to the aforementioned drafting issues, I am not approving Senate Bill No. 60. House Bill No. 133 will provide the opportunity to enact this legislation after presentment is made in accordance with the Missouri Constitution.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 60 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 14, 2013

TO THE SECRETARY OF THE SENATE

97TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Bill No. 350 entitled:

AN ACT

To repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

I disapprove of Senate Bill No. 350. My reasons for disapproval are as follows:

Senate Bill No. 350 is not comprehensive tax credit reform. Instead, it eliminates only part of a single program – the renters’ portion of the Property Tax Credit – that assists low income seniors and disabled individuals.

Effective tax credit reform must be broad-based and designed to ensure that all tax credit programs provide a strong return for taxpayers, our communities and our economy. Such an approach is fiscally prudent and would build upon the State of Missouri’s strong financial foundation. Senate Bill No. 350 does not constitute comprehensive tax credit reform.

Moreover, savings from the repeal of the renters’ portion of the Property Tax Credit would not be used to assist Missouri seniors. Instead, the fiscal year 2014 budget directs savings that would be realized from the program’s repeal to programs unrelated to seniors. Thus, under Senate Bill No. 350, seniors would lose their existing tax benefit and those savings would be directed elsewhere. Such a scenario is not acceptable.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 350 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 11, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 entitled:

AN ACT

To repeal sections 302.302, 302.700, 302.720, 302.735, 302.740, 302.755, 304.180, 304.820, 476.385, 577.041, RSMo, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session,

section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof nineteen new sections relating to transportation, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 would designate a portion of Interstate 70 in Montgomery County as the “Graham’s Picnic Rock Highway,” despite the fact that the referenced rock has also been known as “Slave Rock.” Accordingly, this bill does not receive my approval.

The apparent purpose of the designation proposed in Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 is to officially recognize as a landmark the large sandstone rock visible in the median of Interstate 70 when driving eastbound near Mineola, Missouri. The rock has been called “Graham’s Picnic Rock” in reference to Dr. Robert Graham, the former owner of the farm where the rock was located. According to local history, a popular outing in the 1880s was to drive with horse and buggy over the old Boone’s Lick Road to the Mineola Spring and Graham Cave for a picnic on Graham’s Picnic Rock.

However, in sharp contrast to the idyllic images of picnicking travelers conjured by the name “Graham’s Picnic Rock” are the shameful scenes of human bondage represented by the rock’s other name—“Slave Rock.” The rock’s name as “Slave Rock” comes from the widely held belief that slave auctions occurred at the site, perhaps related to Graham’s slave ownership prior to abolition.

By designating this stretch of highway as “Graham’s Picnic Rock Highway,” Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 has the effect, whether intentional or not, of elevating one history of the site above all others, thereby defining this landmark and its historical significance for generations to come. A step of such magnitude requires a robust public debate so that all interested parties’ voices can be heard. However, because the provision was never in an introduced bill, was added as a floor amendment, and never had a public hearing, interested members of the public, including those who have extensively researched the rock’s history, were given no opportunity to provide input and information to assist the legislature in its deliberations. Without a full public debate on this important issue, this bill cannot receive my approval.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 entitled:

AN ACT

To repeal sections 64.196, 135.305, 142.800, 348.521, 442.571, and 442.576, RSMo, and to enact in lieu thereof ten new sections relating to agriculture.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 contains several worthwhile provisions that have

been approved as part of other legislation; however, the bill would also exempt business entities in Cape Girardeau County from a statewide standard aimed at protecting the health and safety of school children. Existing law protects school children by prohibiting the Land Reclamation Commission and the Department of Natural Resources from permitting mining operations within 1,000 feet of any property on which an accredited school has been located for at least five years (Sec. 444.771, RSMo). Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 would eliminate this protection for school children in Cape Girardeau County and nowhere else. It is generally objectionable to excuse a select industry or company from an existing standard to which all other like entities are held. It is even more offensive to suggest that school children in Cape Girardeau County should receive any less protection than children in all other parts of the state.

Also, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 would allow up to 1% of Missouri agricultural land to be foreign owned. Whether, or to what degree, Missouri agricultural land should be foreign owned is an important policy choice for the people of Missouri, a decision that should be made through their elected representatives and only after the specific proposal has been sufficiently vetted and openly considered. However, this provision was inserted into Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 without the benefit of a hearing that would have allowed for public testimony. In addition, the measure was rejected by at least one legislative committee on agriculture as well as publicly opposed by leading Missouri agricultural groups.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

June 26, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 entitled:

AN ACT

To repeal sections 34.040, 64.196, 135.710, 136.055, 137.010, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568 merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, 301.301, 301.449, 302.132, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.154, 304.180, 304.820, and 307.400, RSMo, and to enact in lieu thereof twenty new sections relating to regulation of motor vehicles, with existing penalty provisions.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would authorize new fees and raise the existing fees charged by license offices. Missourians should not have to pay more than \$22 million in additional fees to renew their driver's license or get their vehicle registered without any improvement in the services they receive.

Since 2009, Missouri's license offices have been subject to an open, competitive bidding process designed to provide the most efficient and

effective service for taxpayers. The current license office contracts were bid under the current fee structure. If the private contractor with the winning bid has since failed to manage the contract to turn a profit, then the solution lies in the hands of the bidder and not in the pockets of Missourians.

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would cost Missourians an estimated \$22 million in additional fees on top of the more than \$31 million in fees they paid last fiscal year. Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would double the fees charged for each driver's license, nondriver's license, learner's permit, chauffeur's license, and operator's license issued or renewed. The bill would increase the fee to register or renew registration on a vehicle or trailer by 43%. Fees for each application or transfer of title would also double. Likewise, fees would double for each notice of lien processed for a bank, although this increase would undoubtedly be passed along to the bank's customers.

In addition to raising the fees license offices already charge, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would also create new fees where fees cannot currently be imposed. For example, under Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51, a simple address change would now cost Missourians \$5.00, while a new \$2.00 fee would apply to any "electronic transmission," such as the license office checking insurance information or verifying personal property taxes. Indeed, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would subject residents of the City of St. Louis, and the counties of St. Louis, Franklin, St. Charles, and Jefferson to an additional \$2.00 fee—paid by no one else in the state—for the license office to electronically verify whether the vehicle passed or failed an emissions inspection.

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would also require the Department of Revenue to "reimburse" the private contractors who operate the license offices for all "reasonable costs" associated with the offices. In other words, taxpayers would be saddled with providing private contractors additional subsidies for everything from wages, to rent, to printer toner. It is hard to fathom why these additional taxpayer subsidies would be necessary on top of the increased fees the private contractors would receive if this bill were to become law.

Finally, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would prohibit the Department of Revenue from awarding additional points for bidders who elect to return to taxpayers a percentage of the fees they collect. Since 2009, the private contractors operating the license offices have returned more than \$3 million in fee revenue, which not only provides additional funding for education and other vital public services it also belies any argument by the private contractors that the current fee structure is inadequate to support license office operations throughout the state.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

June 25, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 entitled:

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

I disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 29. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 would prohibit public employers from deducting union dues or fees unless an employee provides – on an annual basis – a written authorization for the deduction of a specific amount on a form prescribed by the bill. The legislation also would require public employees to complete a separate written authorization – again on an annual basis – if they want

to allow the dues they pay to be used for political purposes. The bill targets a single group of employees and imposes on them an unnecessary and cumbersome process.

There are a number of items that employees may elect to have withheld from their paychecks, including money for college savings accounts, deferred compensation, and 401(k) plans. And, under current law, state employees may elect to have their union dues withheld. Section 33.103 RSMo. In each of these instances, the withholdings are based on one-time authorizations that the employee clearly has the authority to revoke at any time. Employees are not required to take additional steps to cause such withholdings to continue in subsequent years. But under this bill, public employees who are members of unions would be required to complete two separate written authorizations each year. Singling out union dues for these extra processes serves no beneficial purpose. Rather, the bill places unnecessary burdens on public employees for the purpose of weakening labor organizations. I therefore disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 29.

Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 also exempts first responders from its requirements regarding authorizations for deduction and use of union dues. It has been held that such an exemption provides disparate treatment to similarly situated people without a compelling government interest, in violation of the Equal Protection Clause of the United States Constitution. (*See Bailey v. Callaghan*, 873 F.Supp.2d 879, 885-886 (E.D. Mich. 2012)).

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 28 entitled:

AN ACT

To repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

I disapprove of Senate Substitute for Senate Bill No. 28. My reasons for disapproval are as follows:

This bill greatly expands the types of “misconduct” that can serve to disqualify terminated employees from receiving unemployment benefits. It is important to note that this is not a bill that changes whether or not employees may be terminated. Missouri employers can terminate employees for any reason (as long as it is not a legally impermissible reason such as race or gender). This bill does not in any way affect employers’ ability to do so.

Under current law, individuals may be denied unemployment benefits if they engaged in “misconduct” as defined in section 288.030.1(23) RSMo. The bill would expand the definition of misconduct to include activities occurring outside the workplace and outside of work hours. This bill would also broaden the definition of misconduct to include, among other things, “violation of an employer’s no-call, no-show policy” and “violation of an employer’s rule.”

The bill goes too far when it denies unemployment benefits in these circumstances. What employees do on their own time should not be used as a basis for denying unemployment benefits, except in the narrow circumstances already set forth in law. And employers should not be encouraged to adopt unreasonable rules to use as a basis for denying unemployment benefits.

Under the bill, the following situations would result in denial of unemployment benefits:

- An employer has a rule that all employees dress appropriately, both during work hours and during non-work hours. The office manager, while conducting the routine patrol of employees’ social media presence that would be encouraged and rewarded by this bill, finds a picture of a female employee participating in a charity dance contest. He deems the costume she is wearing inappropriate and fires her. Under the bill, she would also be denied unemployment benefits.

- An employer requires employees to play on, or show up and cheer for, the company softball team every Wednesday evening after work. An employee who is a single mother of three needs to be home to take care of her children, so she does not to participate and is fired. Under the bill, she would also be denied unemployment benefits.
- An employer has a rule that salespeople should conduct themselves professionally at all times. A salesperson is overheard at his child's soccer game saying negative things about his boss. He does not identify his boss by name, but the person overhearing the comment knows where he works and who he reports to. When word gets back to the boss, he fires the employee for "unprofessional behavior." Under the bill, he would also be denied unemployment benefits.
- A mother has to rush her daughter to the emergency room but in the rush forgets to call her employer. She therefore violates the employer's "no-call, no-show" policy and is fired. Under the bill, she would also be denied unemployment benefits.

In all of these instances, Missouri law already allows the employer to terminate the employee. However, this legislation goes a step further, also disqualifying the employees from receiving unemployment benefits while they look for other jobs.

The bill also creates nonconformity with federal law that could cost Missouri employers hundreds of millions of dollars. The unemployment benefits program is a federal program administered by states, subject to federal laws. By denying unemployment benefits for conduct occurring outside the workplace, Senate Substitute for Senate Bill No. 28 would place Missouri's unemployment laws at odds with federal law,¹ potentially jeopardizing the Federal Unemployment Tax Act (FUTA) credits Missouri employers receive, costing them an estimated \$859 million per year.

Unemployment benefits provide modest, temporary, but important assistance to individuals who become unemployed through no fault of their own. Not every Missourian is entitled to receive these benefits upon separation from work; in 2012, only 38 percent of Missourians who applied for unemployment actually received benefits. While not affecting an employer's ability to fire an employee, this bill would improperly deny Missourians unemployment benefits.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 28 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

¹ Under the Federal Unemployment Tax Act, "[c]ompensation shall not be denied to any individual . . . for any cause other than discharge for misconduct connected with his work." 26 U.S.C. 3304(a)(10).

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 entitled:

AN ACT

To repeal sections 287.957 and 287.975 RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 requires the Division of Workers' Compensation to compile a database of all Missourians who have filed workers' compensation claims. The bill also requires that employers be given access to this database through the Division's website. Such a database would unnecessarily invade Missourians' privacy, with no valid purpose.

To protect employees' privacy, employers' access to and use of workers' compensation information under current law are limited. Employers

are authorized to receive claim information, provided they comply with federal law. So that privacy is preserved in the release of any information, employers and prospective employees must execute a release that requires the employer to certify that: (1) the inquiry is being made after a conditional offer has been extended, and (2) the information will not be used to discriminate against the individual in violation of the Americans with Disabilities Act (ADA). The prospective employee must also sign the release for the information, and the signature must be notarized.

This legislation would jettison these important privacy protections. In their place, the bill requires the creation of a database that can be easily searched. Mandating a government database of every Missourian who has been injured on the job and filed a workers' compensation claim – while weakening the legal and privacy protections currently in place for such information – is not in the best interests of Missourians. Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 is an affront to the privacy of our citizens and does not receive my approval.

This legislation also could cause Missouri employers – without any knowledge or intent – to violate federal law through their access of this new government database. The ADA prohibits discrimination in employment decisions – including hiring, advancement, and discharge – on the basis of a disability. 42 U.S.C. § 12112. Federal regulations applicable to the ADA do allow an employer to inquire into an individual's workers' compensation history, but only when a conditional job offer has already been extended. 29 CFR Part 1630. Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 contains no commensurate protection. This legislation's conflict with federal law misleads Missouri employers into believing that a "pre-hire" database search would be authorized where no conditional offer has been made.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 entitled:

AN ACT

To repeal sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

I disapprove of Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9. My reasons for disapproval are as follows:

Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 contains a host of worthwhile provisions that have been approved as part of other legislation, as well as the following two provisions that do not improve upon the public policy of the state.

Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 would allow up to 1% of Missouri agricultural land to be foreign owned. Whether, or to what degree, Missouri agricultural land should be foreign owned is an important policy choice for the people of Missouri, a decision that should be made through their elected representatives and only after the specific proposal has been sufficiently vetted and openly considered. However, this provision was inserted into Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 without the benefit of a hearing that would have allowed for public testimony. In addition, the measure was rejected by at least one legislative committee on agriculture as well as publicly opposed by leading Missouri agricultural groups.

Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 also creates the new offense of animal trespass, which would prohibit a person, having ownership or custody of an animal, from knowingly failing to provide adequate control of that animal for at least twelve hours. Several problems exist with this language. For one, the bill oddly enough does not require a showing that an animal actually trespassed on another's land – only that there was not adequate control. Under this scenario, a farmer can wake up to discover that a piece of fence requires mending, take some initial steps toward a fix and still be charged with animal trespass if enough time passes, even though no animals ever left the owner's property.

And while the impetus behind this provision may have been to deal with trespassing livestock, the proposed offense was broadly written to cover all manner of animal, including dogs, cats, rabbits and chickens. Conceivably, an otherwise law-abiding Missourian who failed to control the family cat on two separate occasions could be subject to incarceration. This example alone demonstrates the type of unintended consequence that can occur as a result of Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 110 entitled:

AN ACT

To repeal sections 210.482 and 210.487, RSMo, and to enact in lieu thereof three new sections relating to custody and visitation for military personnel.

I disapprove of House Committee Substitute for Senate Bill No. 110. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 110 seeks to lessen the burden placed on those who are required to resubmit fingerprints on a biannual basis to maintain their license as foster parents or to receive a child through an emergency placement. Though well-intended, House Committee Substitute for Senate Bill No. 110 proposes a convoluted and cumbersome solution to a process that can be streamlined in a simpler, more straightforward manner.

Current law mandates that foster care applicants present, at the time of application, two sets of fingerprints – one to the Missouri State Highway Patrol to conduct a state background check, and one to the Federal Bureau of Investigation to conduct a federal background check. This process is required every two years so that any new information related to the licensee can be used in reviewing the application for renewal.

House Committee Substitute for Senate Bill No. 110 attempts to balance the interests of protecting the safety of children in foster care with the convenience of not mandating that licensees submit fingerprints every two years by requiring that a third set of fingerprints be provided to the Children's Division at the time of initial licensure. The idea is that this would enable the Division to transmit the additional set of prints to the Missouri State Highway Patrol when a licensee applies for re-licensure, instead of requiring the applicant to submit a new set of fingerprints every two years in order to initiate subsequent background checks.

There is a simpler, more effective solution. Since approximately 2005, applicant fingerprints have been electronically stored. As such, the requirement under current law that two physical sets of fingerprint cards be provided is already obsolete. Moreover, because subsequent state and federal background checks can be generated by the initial set of fingerprints, an additional set of prints is unnecessary. Instead, an applicant's electronically-stored fingerprints will, going forward, be used to initiate subsequent background checks. This will allow the Children's Division to continue to protect the safety of children who are placed in foster care without requiring applicants to submit fingerprints

every two years or a third set of prints at the time of the initial application.

Of course, this legislative proposal might have been more appropriately crafted, or avoided altogether, had the provision benefitted from a public hearing so that the relevant stakeholders had the opportunity to provide information on the existing process for conducting background investigations. However, no such hearing occurred.

In addition, by adding this provision to a bill titled “relating to custody and visitation for military personnel,” it expanded the original purpose of House Committee Substitute for Senate Bill No. 110 in violation of Article III, Sec. 21 of the Missouri Constitution. *See Missouri State Medical Ass’n. v. Missouri Dept. of Health*, 39 S.W.3d 837 (Mo. banc. 2001). A corollary to this requirement is Article III, Section 23, which prohibits a bill from containing more than one subject which shall be clearly expressed in its title. It can hardly be said that the two provisions contained in House Committee Substitute for Senate Bill No. 110, one related to the custody and visitation for military personnel, which also exists in other approved legislation, and one related to foster care licensure, pertain to the same subject.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 110 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 entitled:

AN ACT

To amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

I disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 129. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 aims to induce more health professionals to provide volunteer services by granting them immunity from civil liability in such situations. This is unnecessary given that Missouri already has a system in place that encourages volunteerism and protects both volunteer health professionals and the patients they treat. It would be bad public policy to deny individuals who receive poor medical care access to the legal system simply because the person who provided the care was a volunteer.

The State Legal Expense Fund (LEF) provides liability coverage for volunteers at free health clinics (section 105.711.2(3)(e), RSMo) and schools (section 105.711.2(3)(d), RSMo). A bill approved in 2009 extended LEF coverage to health professionals volunteering at summer camps (section 105.711.2(3)(d), RSMo). Under this system, an individual who receives substandard care has legal recourse. The health care professional alleged to have violated the standard of care does not have to pay out of his own pocket to compensate the patient – nor does he have to pay for an attorney, as he would be represented by the Attorney General (section 105.716 RSMo).

This system accomplishes both goals of encouraging volunteerism and protecting those harmed by medical malfeasance. Currently, the law targets specific areas of need and provides liability coverage to health professionals volunteering in those areas. If there is a gap in the current system provided for in Missouri law, it should be addressed within the system, as was done in 2009. I do not approve of the approach provided for in Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, which simply provides blanket immunity to any health professional who volunteers for a “sponsoring organization” regardless of the setting. This is inconsistent with the balanced approach that Missouri law already takes.

Missourians are quick to help their fellow citizens, whether in a disaster or elsewhere. And Missouri law already encourages this volunteerism by providing appropriate protections for volunteers and those they serve. This bill unnecessarily puts at risk those individuals who have the right to expect that the care they receive – in whatever setting and irrespective of compensation – is of the same high quality that health professionals rightly demand of themselves.

Wednesday, September 11, 2013

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In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 73 entitled:

AN ACT

To repeal sections 307.075, 478.007, and 488.2250, RSMo, and to enact in lieu thereof four new sections relating to judicial procedures.

I disapprove of House Committee Substitute for Senate Bill No. 73. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 73 contains a provision that permits the use of a court-approved private probation service by a DWI court under limited circumstances. Both Conference Committee Substitute for House Committee Substitute for Senate Bill No. 100 and Conference Committee Substitute for Senate Bill No. 327, which I have approved, also contain this provision. However, the language contained in House Committee Substitute for Senate Bill No. 73 is not consistent with the language contained in the other pieces of legislation and approval of House Committee Substitute for Senate Bill No. 73 will result in two versions of section 478.007, RSMo, being printed in statute. Consequently, I am not approving House Committee Substitute for Senate Bill No. 73.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 73 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 1, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 265 entitled:

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

I disapprove of Senate Bill No. 265. My reasons for disapproval are as follows:

Senate Bill No. 265 is broadly drafted legislation directed primarily at a United Nations resolution adopted more than 20 years ago. This resolution, known as Agenda 21, provides a general blueprint for sustainable development. It imposes no mandates on state or local governments and not a single pejorative action in Missouri has been tied to it.

Senate Bill No. 265 would force ambiguously worded restrictions on state and local governments. Specifically, the legislation would prohibit the adoption or implementation of "recommendations" that "infringe or restrict private property rights without due process" if the action

“originates in, or [is] traceable to Agenda 21...or any other international law or ancillary plan of action that contravenes the Constitution of the United States or the Missouri Constitution.”

Although there is no evidence that Agenda 21 is spurring governmental action across our state, Senate Bill No. 265 would nevertheless require that governmental entities become knowledgeable about its content as well as “any other international law or ancillary plan of action” and then make the undefined determination whether a proposed action is “traceable” to any of those sources. This bizarre and burdensome analysis must be accomplished through a prism of difficult to comprehend language that will waste public resources and impose needless confusion where none is necessary. It is Senate Bill No. 265 that is the problem, not the obscure and little known Agenda 21.

It is fundamentally misguided and unnecessary to require local government officials to become international law experts in order to perform their duties. This legislation would spawn endless litigation frivolously attacking governmental action based on a belief that a two decades old United Nations resolution is somehow shaping decisions regarding such issues as health codes and road projects. And it is absurd for a city council making a zoning decision to find it necessary to retain a high priced attorney specializing in international law for the purpose of needlessly chasing imaginary shadows around corners. The premise of Senate Bill No. 265, to the extent it is discernible, is wrong and the solution it puts forth is worse.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 265 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 77 entitled:

AN ACT

To repeal section 210.278, RSMo, and to enact in lieu thereof one new section relating to neighborhood youth development programs.

I disapprove of Senate Bill No. 77. My reasons for disapproval are as follows:

Senate Bill No. 77 would exempt Girls Incorporated of St. Louis (“Girls Inc.”) from state childcare requirements, including the required staff-to-child ratios, safety inspections, emergency preparedness planning, fire inspections, and sanitation inspections. Girls Inc. is an outstanding organization that has provided educational and cultural programs for thousands of girls. However, protecting the safety of Missouri’s children should be paramount. Accordingly, any measure that would exempt a single organization from generally applicable child safety requirements cannot receive my approval, regardless of the quality of the organization.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 77 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

June 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 267 entitled:

AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

I disapprove of Senate Substitute for Senate Bill No. 267. My reasons for disapproval are as follows:

Senate Substitute for Senate Bill No. 267 seeks to introduce a solution to a problem that does not exist and, in so doing, puts in jeopardy some of the very liberties that the bill purports to protect.

This legislation would inject considerable uncertainty into Missouri's legal system. The bill would declare as "void and unenforceable" contracts as well as judicial and administrative decisions that are based – in whole or in part – on a foreign law or foreign legal system that is deemed "repugnant or inconsistent with [sic]" the Missouri and United States Constitutions. Because all foreign legal systems can be argued to be "inconsistent" with our state and federal constitutions, Senate Substitute for Senate Bill No. 267 would needlessly cast doubt upon important legal instruments including wills, trusts, marriage and divorce decrees and contracts that involve foreign law. Our citizens and businesses should not be exposed to this unnecessary change and its unpredictable results.

Moreover, Senate Substitute for Senate Bill No. 267 would have a chilling effect on foreign adoptions. This legislation raises serious questions as to whether a Missouri court could consider the foreign decree or order that is necessary to finalize the adoption of a child from a foreign country. This obstacle would complicate an already challenging process facing a Missouri couple seeking to adopt a child from another country whose legal system is deemed "inconsistent" with ours. In addition to the hurdles this bill would impose on Missouri couples seeking to adopt, Senate Substitute for Senate Bill No. 267 could invite retaliatory action by a foreign country by denying all adoptions to Missourians. In Missouri, we value adoption. In the last ten years, Missourians have adopted more than 5,000 children from foreign countries. This bill is out of step with our basic belief that we should encourage adoption and make it easier, not more difficult, for children to grow up in strong, supportive families.

Senate Substitute for Senate Bill No. 267 would also undermine the freedom to contract. Article 1, Section 13 of the Missouri Constitution says "no . . . law impairing the obligation of contracts . . . can be enacted." This bill, by contrast, would render "mutually agreed upon" contracts and contractual provisions "void and unenforceable" if they include or are to be governed by foreign law from a country whose legal system is "inconsistent" with the Missouri and United States constitutions. This unnecessary interference with free market principles could also dampen foreign investment by companies unwilling to conduct business in a state with such uncertainty surrounding the application of foreign law.

Furthermore, Senate Substitute for Senate Bill No. 267 could prohibit a Missouri court from enforcing a judgment – based in whole or in part on a foreign law – rendered by a court in another state. The Full Faith and Credit Clause of the U.S. Constitution requires that states respect the "public acts, records, and judicial proceedings of every other state."

Senate Substitute for Senate Bill No. 267 is misguided, unnecessary and needlessly undermines certainty in important areas of the law. Missourians expect and deserve a judicial system that is both fair and predictable. Senate Substitute for Senate Bill No. 267 fails to meet that very basic standard and does not receive my approval.

Therefore, in accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 267 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 1, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 entitled:

AN ACT

To repeal sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, and 568.040, RSMo, and to enact in lieu thereof nine new sections relating to public safety.

I disapprove of Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224. My reasons for disapproval are as follows:

Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 purports to deter minors from presenting false identification in order to obtain access to an excursion gambling boat. In reality, Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 reduces the maximum penalty available for such an offense. The current classification for this offense is a class B misdemeanor, punishable by up to six months in jail and up to a \$500.00 fine. Instead, the bill would lower the offense classification to an infraction, eliminate incarceration as a potential penalty, and require only the payment of a \$500.00 fine.

The State of Missouri takes illegal gambling seriously and has appropriately enacted strong laws and penalties to combat these types of offenses. However, underage gambling continues to be a problem. Since 1997, Missouri casinos have paid \$1.66 million in fines related to underage patrons. Therefore, lowering the available penalties for such conduct, and removing a prosecutor's ability to seek incarceration for illegal gambling, is not a recipe to deter this criminal behavior.

Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 would also allow an individual with a single conviction for criminal nonsupport to petition the court for the purpose of expunging all records associated with that offense. While current law permits the extreme remedy of expungement in very limited circumstances, Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 would expand expungement eligibility without providing adequate standards on which this relief would be provided.

Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 provides two distinct standards for granting expungement, with the common denominator being that eight years has passed since the person has been sentenced or completed probation. The first requires that the individual: (1) has not been convicted of any subsequent offense; (2) does not have any other felony convictions; (3) is current on all child support obligations; and (4) has no other charges or administrative child support actions pending. **Or**, in lieu of the foregoing, the individual has successfully completed a criminal nonsupport courts program. The first standard neglects to take into consideration whether the individual has a history of arrearages and late payments following the nonsupport conviction. As such, individuals who are chronically late and deficient on their support obligations during the past eight years can make themselves current and then apply to have their records expunged as long as no other charges are pending and there are no subsequent or other felony convictions.

The second standard requires only that the individual complete a criminal nonsupport court program. While this program is a meaningful tool to foster compliance with a person's support obligations, it should not take the place of also requiring that the individual demonstrate a history of complying with any support order since the underlying conviction and has no other subsequent convictions.

Exacerbating the insufficiency of these standards is that Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 does not provide the court with any discretion in determining whether to order expungement. Instead, the bill explicitly states that the court "*shall enter an order of expungement*" if either of the standards are satisfied. Therefore, the court would be deprived of the opportunity to consider other relevant factors, such as the individual's history of meeting support obligations since the previous conviction, as well as any statement that the victim or prosecutor would like to make in objection to any order for expungement; indeed, Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 does not even provide the victim or prosecutor with an opportunity to be heard on the matter. In sum, neither of the two standards is adequate, and depriving the court of discretion on such an important issue as expunging an individual's criminal records is unacceptable.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 170 entitled:

AN ACT

To repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to the participation by members of public governmental bodies in roll call votes.

I disapprove of Senate Bill No. 170. My reasons for disapproval are as follows:

Under current law, public governmental bodies comprised entirely of elected members must physically attend meetings in order to cast a vote on matters under consideration. Members may participate in the meetings "via phone, facsimile, Internet, or any other voice or electronic means" but they may not cast any votes unless the meeting is called due to an emergency. Existing law emphasizes the duty appropriately imposed on elected officials to physically attend meetings and should not be changed.

Senate Bill No. 170, the stated purpose of which is to increase the opportunity for full participation by elected officials through videoconferencing, does not include any safeguards to protect against abuses that would have the opposite result. Under the bill, any member of an elected governmental body may participate and vote in public meetings via videoconference without demonstrating good cause for doing so. While it may be understandable to provide this tool to accommodate the occasional scheduling conflict, no limit is placed on the number of meetings a member could attend by videoconference. Nothing in this legislation would prevent officials from attending every meeting via videoconference. In fact, the bill would not prohibit every member of an elected board from attending all meetings via videoconference.

The statutory requirement that members of elected boards be physically present to vote represents the paramount responsibility they have been entrusted with by the voters. This provides assurances that our elected officials are, at a minimum, approachable and available to their constituents at public meetings. It also ensures their active engagement in the topics at hand and provides an environment for open interaction and dialogue with colleagues, staff and the public in order to develop compromise and navigate difficult decisions.

Technology has bridged geographical gaps connecting citizens from all corners of our state to accomplish great work. But for local governmental bodies, the distances are quite short and easily navigated. Local government is designed to provide citizen representation that is close to home and readily accountable to its residents. Allowing attendance through videoconferencing places unnecessary and unwarranted 'virtual' distance between voters and their elected officials. Residents wishing to speak and interact with their elected officials would be forced to do so using video screens and broadband wires.

Serving in elected public office is a privilege and attending regularly scheduled public meetings is an important component of that service. Allowing elected members to join every public meeting by videoconference is not an acceptable proxy for responsible governance. Requiring elected members to be physically present is a small and reasonable obligation placed on office holders. Removing that requirement erodes this very basic level of engagement we must expect from our officials.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 170 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Senator Richard moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

SCS for SB 240 was called thereafter and no motion was taken thereon.

SB 60 was called thereafter and no motion was taken thereon.

SB 350 was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 43** was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 342** was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 51** was called thereafter and no motion was taken thereon.

Senator Brown moved that **SS** for **SCS** for **SB 29** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wasson—22		

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Wallingford	Walsh—11					

Absent—Senator Romine—1

Absent with leave—Senators—None

Vacancies—None

The Senate observed a moment of silence in memory of the events and loss of life on September 11, 2001.

Senator Kraus moved that **SS** for **SB 28** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Walsh—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the Missouri House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Governor and the Senate that the House of Representatives is duly convened and is now in session in the 2013 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19.

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood	Wright	Zerr	Mr. Speaker

NOES: 47

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Englund	Fowler	Frame	Gardner	Harris	Hodges
Hummel	Kirkton	Kratky	LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schupp	Smith	Swearingen	Walton Gray	Webb	

PRESENT: 1

English

ABSENT WITH LEAVE: 2

Ellington Newman

VACANCIES: 1

Senator Richard requested unanimous consent of the Senate to allow members of the Jefferson City Police Department be allowed to enter the Chamber with side arms, which request was granted.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 19** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Silvey	Wallingford	Wasson—28				

NAYS—Senators

Curls	Keaveny	Nasheed	Sifton	Walsh—5
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Absent—Senator LeVota—1

Absent with leave—Senators—None

Vacancies—None

VETOED BILLS

Senator Cunningham moved that **CCS** for **HCS** for **SS** for **SB 34** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Kehoe assumed the Chair.

Senator Pearce moved that **CCS No. 2** for **HCS** for **SCS** for **SB 9** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaefer	Schmitt	Silvey	Wallingford—23	

NAYS—Senators

Curls	Holsman	Justus	Keaveny	McKenna	Nasheed	Schaaf	Sifton
Walsh	Wasson—10						

Absent—Senator LeVota—1

Absent with leave—Senators—None

Vacancies—None

Senator Brown moved that **HCS** for **SB 110** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Sater moved that **SS** for **SCS** for **SB 129** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HCS for **SB 73** was called thereafter and no motion was taken thereon.

Senator Nieves moved that **SB 265** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Holsman	Justus	Keaveny	McKenna	Sifton—6
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Absent—Senators

Curls	LeVota	Nasheed	Walsh—4
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Absent with leave—Senators—None

Vacancies—None

SB 77 was called thereafter and no motion was taken thereon.

Senator Nieves moved that **SS** for **SB 267** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Walsh—10						

Absent—Senator Lamping—1

Absent with leave—Senators—None

Vacancies—None

CCS for **SCS** for **SB 224** was called thereafter and no motion was taken thereon.

Senator Chappelle-Nadal moved that **SB 170** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Justus Keaveny McKenna—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Richard, the Senate recessed for one hour.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

Photographers from KRCG-TV and Al Jazeera America were given permission to take pictures in the Senate Chamber.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed House Bill No. 278, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on House Bill No. 278.

AYES:114

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Black
Brattin	Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White	Wieland	Wilson	Wood
Zerr	Mr. Speaker						

NOES: 45

Anders	Burns	Butler	Carpenter	Colona	Conway 10	Curtis	Dunn
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Ellinger	English	Englund	Gardner	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Rizzo	Runions	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright			

PRESENT: 00

ABSENT WITH LEAVE: 3

Ellington	Newman	Pierson
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VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Committee Substitute for House Bill No. 329, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Committee Substitute for House Bill No. 329.

AYES:109

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 51

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Dunn
Ellinger	Ellington	English	Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Nichols	Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp	Smith	Swearingen	Walton Gray

Webb Webber Wright

PRESENT: 00

ABSENT WITH LEAVE: 2

Curtis Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed House Bill No. 339, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on House Bill No. 339.

AYES:109

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	McKenna	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 51

Anders	Barnes	Burns	Butler	Carpenter	Colona	Curtis	Dunn
Ellinger	Ellington	Englund	Fowler	Frame	Gardner	Haahr	Hodges
Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McManus	McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Neth	Nichols	Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Smith	Swearingen	Torpey	Walton Gray
Webb	Webber	Wright					

PRESENT: 1

Conway 10

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Committee Substitute for House Committee Substitute for House Bill No. 436, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Committee Substitute for House Committee Substitute for House Bill No. 436.

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 49

Anders	Barnes	Black	Burns	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	English	Englund	Gardner	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	May	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Smith	Swearingen	Torpey	Walton Gray	Webb	Webber
Wright							

PRESENT: 3

Higdon	Mayfield	Roorda
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ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

VETOED BILLS

Senator Emery moved that **HB 278** be passed, the objections of the Governor thereto notwithstanding,

which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Schaaf
Sifton—9							

Absent—Senator Walsh—1

Absent with leave—Senators—None

Vacancies—None

Senator Cunningham moved that **SCS** for **HB 329** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Dempsey moved that **HB 339** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nasheed	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Sifton	Walsh—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Nieves moved that **SCS** for **HCS** for **HB 436** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dixon	Emery	Kehoe	Kraus	Lager	Lamping
Libla	Munzlinger	Nieves	Parson	Pearce	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—22		

NAYS—Senators

Chappelle-Nadal	Curls	Dempsey	Holsman	Justus	Keaveny	LeVota	McKenna
Nasheed	Richard	Sifton	Walsh—12				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for Senate Committee Substitute for House Bill No. 650, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Substitute for Senate Committee Substitute for House Bill No. 650.

AYES: 110

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	McKenna	Meredith	Messenger	Miller	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson

Riddle	Roorda	Ross	Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Sommer	Spencer	Stream	Swan	Thomson	Walker	Webb
White	Wieland	Wilson	Wood	Zerr	Mr. Speaker		

NOES: 50

Anders	Barnes	Burns	Carpenter	Colona	Conway 10	Cornejo	Curtis
Dunn	Ellinger	Ellington	Englund	Frame	Gardner	Grisamore	Haahr
Hodges	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McManus	McNeil	Mims	Mitten	Morgan
Nichols	Norr	Otto	Pace	Peters	Pierson	Rizzo	Rowden
Runions	Schieffer	Schupp	Smith	Solon	Swearingen	Torpey	Walton Gray
Webber	Wright						

PRESENT: 1

Higdon

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035.

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Ellington
Elmer	Engler	English	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield	McCaherty	McGaugh	Messenger
Miller	Molendorp	Montecillo	Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda	Ross	Rowden	Rowland

Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 44

Anders	Black	Burns	Butler	Carpenter	Colona	Curtis	Dunn
Ellinger	Englund	Gardner	Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo	Runions	Schieffer	Schupp
Smith	Walton Gray	Webb	Wright				

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

VETOED BILLS

Senator Munzinger moved that **SS** for **SCS** for **HB 650** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Lager
Lamping	Libla	McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schmitt	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Curls	Holsman	Justus	Keaveny	Kraus	LeVota	Schaefer	Sifton—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Schmitt moved that **CCS No. 2** for **SCS** for **HCS** for **HB 1035** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Curls Holsman Justus Keaveny McKenna Nasheed Sifton Walsh—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Holsman offered Senate Resolution No. 3, regarding JobOne Recycling, Grandview, which was adopted.

Senator Cunningham offered Senate Resolution No. 4, regarding Hartville High School 2013 state champion baseball team, Wright County, which was adopted.

Senators Romine and Wallingford offered Senate Resolution No. 5, regarding SEMO Family Violence Council, which was adopted.

Senator Lager offered Senate Resolution No. 6, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence F. Abbott, Maryville, which was adopted.

Senator Wasson offered Senate Resolution No. 7, regarding American Legion Memorial Post 434, Nixa, which was adopted.

Senator Wallingford offered Senate Resolution No. 8, regarding Dr. Shawn Wilson, Cape Girardeau, which was adopted.

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 9

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51; Senate Bill No. 60; House Committee Substitute for Senate Bill No. 73; Senate Bill No. 77; Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224; Senate Committee Substitute for Senate Bill No. 240; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 and Senate Bill No. 350 when the bills were so called by the President.

On motion of Senator Richard, the Senate recessed for 30 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the

House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on CCS for SCS for HCS for **HB 7**, CCS for SCS for HCS for **HB 10** and SCS for HCS for **HB 110** when the bills were called by the Speaker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9.

AYES: 111

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood	Zerr	Mr. Speaker	

NOES: 50

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr	Otto	Pace	Peters
Rizzo	Roorda	Runions	Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright						

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed House Committee Substitute for Senate Bill No. 110, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on House Committee Substitute for Senate Bill No. 110.

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 52

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer	Schupp	Smith	Swearingen
Walton Gray	Webb	Webber	Wright				

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is

a certified copy of the Roll Call on Senate Substitute for Senate Committee Substitute for Senate Bill No. 129.

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Norr	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 52

Anders	Barnes	Black	Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer	Schupp	Smith	Swearingen
Walton Gray	Webb	Webber	Wright				

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Bill No. 170, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Bill No. 170.

AYES: 125

Allen	Anders	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry
Brattin	Brown	Burlison	Butler	Cierpiot	Conway 10	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Dunn

Ellinger	Elmer	Engler	English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeyer	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch	McCaherty
McCann Beatty	McGaugh	McKenna	Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Moon	Morris	Muntzel	Neely	Neth	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden	Rowland	Scharnhorst	Schatz
Shull	Shumake	Smith	Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr. Speaker			

NOES: 32

Black	Burns	Carpenter	Colona	Conway 104	Cookson	Curtis	Haefner
Harris	Hodges	Hummel	Kelly 45	Kirkton	LaFaver	Marshall	May
Mayfield	McDonald	McManus	McNeil	Mitten	Morgan	Nichols	Norr
Pogue	Rizzo	Roorda	Runions	Schieber	Schieffer	Schupp	Solon

PRESENT: 4

Ellington	Gardner	Otto	Pace
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ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

COMMUNICATIONS

Senator Schaaf submitted the following:

September 10, 2013

Ms. Terry Spieler
Secretary of the Senate
Missouri State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Due to a recent foot surgery, I am unable to comfortably stand for more than a few minutes at a time. I invoke Rule 76 that requires a letter be sent to you and subsequently printed in the journal.

Thank you for your attention to this matter.

Sincerely,
/s/ Rob Schaaf
Rob Schaaf
State Senator
District 34

INTRODUCTIONS OF GUESTS

Senator Keaveny introduced to the Senate, former State Senator Harry Kennedy, St. Louis.

Senator Kehoe introduced to the Senate, Army First Lieutenant Eric Wilde, Jefferson City.

Senator Walsh introduced to the Senate, teachers and six seniors from Hazelwood School District, St. Louis.

On motion of Senator Richard, the Senate of the Veto Session of the First Regular Session of the 97th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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